

April 08, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

For the clerkship position, I highly recommend Wes Ward to you. Wes's analytic skills, writing abilities, and research persistence would greatly benefit your chambers.

Wes was a student in my Environmental Law & Sustainability Clinic. The Clinic provides students the opportunity to manage real cases for real clients. In the context of practicing energy, environmental, and conservation law, we focus on the following skills: writing for diverse audiences; research efficiency; representing organizational clients; and negotiation. In Winter 2022, he was enrolled in the clinic, which consists of a seminar class and case work.

Under my supervision, Wes represented two nonprofit organizations for whom he developed a litigation plan to address a facility that was polluting Lake Superior. Wes had to research a myriad of topics, including the public trust doctrine and water quality permitting. His research was meticulous and persistent. For his common law research, he efficiently found the most helpful and harmful case law. For his regulatory research, he thoroughly explored a dense complicated administrative scheme. When he hit a roadblock, he did not give up – he came to me with questions, returned to the research, and did not give up until he found what he needed.

Wes was a very good writer and analyst. He was thoughtful about core writing mechanics like organization, topic sentences, and matching his propositions with sufficient supporting evidence. He edited his memos effectively based on his own assessment and supervisor review. He always worked to see the legal forest from the trees of cases, statutes, and regulations.

Aside from being a good researcher, writer, and analyst, Wes had exemplary work ethic and a professional demeanor. He was punctual, communicated regularly, and was always prepared for meetings. He worked very well with his teammate. Perhaps most importantly, his clients were incredibly pleased with his work.

Wes's ability to engage in high level objective analysis and writing, combined with his work ethic and personality, make it easy for me to recommend him without reservation. If you wish to further discuss, please contact me anytime at osalim@umich.edu or 586-255-8857.

Sincerely yours,

Oday Salim
Director, Environmental Law & Sustainability Clinic

Oday Salim - osalim@umich.edu - 7347637087

Wesley B. Ward

308 Packard Street, Apartment 6, Ann Arbor, Michigan 48104
(309) 830-3879 • wward@umich.edu

WRITING SAMPLE

I prepared this appellate opinion during the fall semester of 2022 for a Judicial Clerkships practice simulation. The case involved a fictitious high-school student who sought to place advertisements on Cleveland's public transit vehicles. Her application was rejected, then she filed suit on First Amendment grounds. Professor Kerry Kornblatt provided editorial suggestions, but this writing sample reflects my own work.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

GREATER CLEVELAND
REGIONAL TRANSIT
AUTHORITY (RTA) and
JOSEPH CALABRESE,
individually in his official
capacity as General Manager
and Chief Executive Officer of
the RTA

Defendants-Appellants,

v.

KATHERINE FISHER, through
her parent and guardian NOAH FISHER

Plaintiff-Appellee.



No. 22-16123

Appeal from the United States District Court for the Northern District of Ohio at
Cleveland.
No. 22-cv-16123—Diane L. Clayton, District Judge.

Defendants Greater Cleveland Regional Transit Authority (RTA) and Joseph Calabrese appeal the district court’s order granting a motion for preliminary injunction. Plaintiff-Appellee Katherine Fisher proposed an advertisement to appear on Defendant’s vehicles, which RTA rejected for violating two of its policies. Ms. Fisher and her father sought a preliminary injunction relief requiring Defendant to display the advertisement, which the district court granted. We REVERSE the district court’s order and REMAND with instructions that the Plaintiff’s complaint be dismissed.

I. Background

A. Defendant-Appellant’s Advertising Program

Defendant-Appellant Greater Regional Transit Authority (RTA) allows advertisements to appear on its vehicles, given the advertisements comply with certain policies. Defendant-Appellant Joseph Calabrese is the CEO and general manager of RTA and has overseen RTA’s advertising program since its inception. R. 030. Proposed advertisements are submitted to a contractor who performs preliminary tasks, like providing the customer with a price estimate. *Id.* Each month, the contractor sends the proposed advertisements to Calabrese for review, who makes the final determination about whether the advertisements comply with RTA policy. *Id.*

RTA’s advertising program seeks to “provide revenue for RTA while at the same time maintaining RTA ridership and assuring riders will be afforded a safe and pleasant environment.” R. 042. Maintaining and increasing ridership sustains the financial health of the transit system, Mr. Calabrese argued, and that depends on riders having pleasant experiences. R. 037. RTA reserved the right to approve all advertising and displays through this program while prohibiting eight categories of advertisements including those that:

- a. Depict or promote an illegal activity.
- b. Contain false, misleading, or deceptive material.
- ...
- e. Are scornful of an individual or a group of individuals.
- ...

- g. Support or oppose the election of any political candidate.
- h. Contain material which is obscene or sexually explicit, as defined by Ohio law.

R. 042. Mr. Calabrese contends that the provisions at issue here, the policy against scorn and political advertising, are not “unusual.” R. 038.

Mr. Calabrese reviews “a lot of ads” in his position, but few have “jump[ed] out to [him] as a problem.” R. 033, 036. He rejected four advertisements in fourteen years for not complying with RTA policy. Two of the proposed advertisements supported political candidates, including one who was a personal acquaintance of Calabrese. R. 032. Mr. Calabrese could not recall why the other two advertisements were rejected but they were not for violations of the policy against scorn. R. 032–033. Mr. Calabrese mistakenly allowed an advertisement for bungee jumping at a national park, which is illegal under a federal regulation. R. 033.

Mr. Calabrese claims that he does not “just rubber stamp all of the ads” but scrutinizes them for noncompliance. R. 036. For example, when LeBron James left the Cleveland professional basketball team for the first time, an advertisement was proposed that “might have been scornful.” R. 036–037. Calabrese consulted with “some members of the Board of Trustees” to decide that the advertisement did not violate RTA policy. R. 035. In another circumstance, Mr. Calabrese fact-checked a claim about a roller coaster. R. 036.

B. Plaintiff-Appellee’s Proposed Application and Denial

Plaintiff-Appellee Katherine Fisher is a seventeen-year-old environmental advocate who applied to purchase an advertisement on RTA vehicles on June 15, 2022. R. 016, 019, 020. She considered RTA vehicles an ideal medium to spread her message outside of her existing school-based influence. R. 020. Fisher believes recycling is a pressing and important issue in Cuyahoga County, so her proposed advertisement read, “People who don’t recycle are TRASH. By not doing your part you are stealing the future from your children and grandchildren. *for a greener tomorrow, support the only true pro-environment candidate: Yuna Bang for mayor*.” R. 039. Her message intentionally

included “strong wording” that was “not meant to make someone feel good” but rather evoke frustration or anger. R. 022. The strong language was “the point.” *Id.* The advertisement’s endorsement of mayoral candidate Yuna Bang for Mayor “felt like an important opportunity to affect change.” *Id.*

Ms. Fisher’s application was rejected on June 29, 2022, and her subsequent appeal for reconsideration was denied on July 14, 2022. R. 040–041. Calabrese said this decision “was pretty easy.” The policy “obvious[ly]” violated the prohibition on supporting a political candidate, R. 038, and “[t]he proposed ad called people quote unquote “trash.”... Just imagine if someone on the bus called another rider trash to their face,” so violated the scornfulness policy. *Id.*

C. Procedural History

Ms. Fisher brought this case on August 8, 2022, alleging RTA and Mr. Calabrese violated her First Amendment rights by denying her application and that RTA’s policy is facially unconstitutional under the First Amendment. R. 008. She then filed a motion for preliminary injunction the following day. R. 010–011.

The district court granted relief to Ms. Fisher, ordering that the challenged advertisement be displayed. Fisher v. Greater Cleveland Regional Transit Authority (RTA), No. 22-cv-16123 (N.D. Ohio Oct. 12, 2022); R. 043–045. The court reasoned that RTA operated a public forum because it permitted political speech and inconsistently enforced its advertising policy. R. 044. RTA’s policy was subjected to strict scrutiny, which RTA conceded that it could not meet. The court ruled in Ms. Fisher’s favor, and RTA filed this timely appeal. R. 045.

II. Discussion

A. Standard of Review

This Court ordinarily reviews a district court’s order granting a preliminary injunction for abuse of discretion, but when the First Amendment is implicated, *de novo* review is appropriate. Bays v. City of Fairborn, 668 F.3d 814, 819 (6th Cir. 2012). In

deciding motions for preliminary injunction, district courts weigh four factors: “(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury absent the injunction; (3) whether the injunction would cause substantial harm to others; and (4) whether the public interest would be served by the issuance of an injunction.” Bays v. City of Fairborn, 668 F.3d 814, 818–19 (6th Cir. 2012). In the First Amendment context, the movant’s likelihood of success on the merits predominates over the others, so this Court conducts *de novo* review. City of Fairborn, 668 F.3d at 819. See Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp., 511 F.3d 535, 541 (6th Cir. 2007).

When determining whether a government entity’s restriction on public speech violates the First Amendment, we first determine the type of “forum” at issue. Minn. Voters All. v. Mansky, 138 S. Ct. 1876, 1885 (2018). The Supreme Court recognized two types of fora at issue here: “designated public forums” and “non-public forums.” Designated public forums have “not traditionally been regarded as a public forum” but which the government has “intentionally opened up for that purpose.” Id. Governments may impose reasonable time, place, and manner restrictions on private speech in designated public forums, but content restrictions must satisfy strict scrutiny. Id. Non-public forums are not by tradition or designation a forum for public communication and the government retains the power to preserve the property for its dedicated purpose. Id. Restrictions to speech in non-public forums must be reasonable considering the forum’s purpose and may not “suppress expression merely because public officials oppose the speaker’s view.” Id.

B. RTA Operates a Nonpublic Forum

[Court concludes that RTA operates a nonpublic forum.]

C. RTA’s Restrictions and the First Amendment

Governments may restrict the content appearing in nonpublic forums, but those restrictions cannot discriminate based on the viewpoint expressed and must be reasonable given the forum’s purpose. Am. Freedom Def. Initiative (AFDI) v. Suburban Mobility

Auth. for Reg. Transp. (SMART), 978 F.3d 481, 493 (6th Cir. 2020); Minn. Voters All. v. Mansky, 138 S. Ct. 1876, 1885 (2018). RTA’s ban on political candidate advertising is reasonable but its policy against scornful advertisements is not viewpoint neutral and violates the First Amendment.

1. Restriction on Speech For or Against Political Candidates is Reasonable.

RTA rejected Ms. Fisher’s advertisement for violating the agency’s policy against political candidate advertising. Unlike the policies in prior cases, this policy is clear and objective, indicating that it is reasonable under the law.

When a government restricts speech in a nonpublic forum, content limitations must be reasonable given the purpose of the forum. Cornelius v. NAACP Legal Def. & Educ. Fund, Inc., 473 U.S. 788, 806 (1985). Reasonableness does not require the government to impose the least restrictive means to achieve a forum’s purpose, nor must such purpose be compelling. Id. at 808. Rather, the restriction must only have a permissible reason and provide a “sensible basis for distinguishing what may come in and what must stay out.” Mansky, 138 S. Ct. at 1888.

In Lehman v. City of Shaker Heights, a political candidate unsuccessfully challenged a city’s ban on political advertisements on city buses. 418 U.S. 298, 299 (1974). The plaintiff wished to promote his candidacy for Ohio State Representative with advertisements on car cards. Id. at 299. The Supreme Court found, first, that the city operated a nonpublic forum, id. at 303, then ruled that the City had permissible reasons for imposing these content restrictions: short-term candidacy advertisements could jeopardize long-term commercial advertising, political advertisements could create doubts about favoritism, and riders “would be subjected to the blare of political propaganda.” Id. at 304. The First Amendment, the Court held, does not require every publicly owned space to be open to every pamphleteer and politician. Id.

More recently in Minn. Voters All. v. Mansky, a political organization successfully challenged a prohibition on wearing political logos at polling locations

because the policy could not be applied reasonably. Mansky, 138 S. Ct. at 1892. The Court held that the polling locations were nonpublic forums, and Minnesota had a permissible purpose of creating an “island of calm” where citizens could peacefully vote. Id. at 1886–87. But the Court found that the state’s definition of “political” was not capable of reasoned application. Id. at 1888–92. Minnesota’s ban on materials that could be perceived as political issues carried with it inherent ambiguity. For example, a t-shirt reading “Support Our Troops” or “#MeToo” could be banned. Id. at 1889–92. The term “political” was “unmoored” and prone to “haphazard interpretation” rather than expressing an objective and workable standard. Id. at 1888. Despite these serious faults, the Court accepted that the insignia of political parties and candidates was “clear enough” to be reasonably restricted. Id. at 1889.

This Court followed this rationale two years later in Am. Freedom Def. Initiative (AFDI) v. Suburban Mobility Auth. for Reg. Transp. (SMART), where a civic organization challenged a transit agency’s advertising policy against “political or political campaign advertising.” AFDI, 978 F.3d at 486. With its policy, the transit agency sought “to minimize chances of abuse, the appearance of favoritism, and the risk of imposing upon a captive audience.” The panel held the policy was unreasonable because the agency failed to adopt a “discernible approach” to determine what was allowed and disallowed. Id. at 494.

There, the Court reasoned that the term “political” was too ambiguous for reasonable application. In comparing “political” with “political campaign,” it ruled that the latter lacked an “expansive reach” and could easily be identified by an objective person. Id. at 494, 498. Although someone could determine what is sufficiently “political” to warrant having their advertisement denied, “the subjective enforcement of an indeterminate prohibition increases the opportunity for abuse in its application.” Id. at 497. In overruling the transit agency’s policy against “political” advertising, the court concluded that the restriction on “political candidate” advertising suffered no such defect. Id. at 498.

Here, the challenged policy lacks the deficiencies of the Mansky and AFDI policies. RTA's policy against advertisements for or against political candidates had a permissible purpose, see Lehman, 418 U.S. at 303, and the policy is clear regarding which content is permissible and which is prohibited. AFDI, 978 F.3d at 498.

RTA had a permissible purpose when it banned advertisements by political candidates. Like Lehman, RTA sought to provide revenue, while assuring riders with a safe and pleasant experience. See Lehman, 418 U.S. at 304 (finding that short-term candidacy advertisements could jeopardize long-term commercial advertising and impose on captive riders). Ensuring that customers continue to use RTA services is central to the financial health of the transit system, and preventing these impositions advances that permissible purpose. R. 042, 037. This policy does not fit perfectly with its purpose. Political advertising permitted under RTA's policy could cause riders discomfort or jeopardize long-term commercial advertising. But the First Amendment does not obligate RTA to narrowly tailor its policy in this manner when it operates a nonpublic forum.

RTA's prohibition on advertising that advocates for or against a political candidate is clear and objective. The Mansky and AFDI courts both addressed policies that banned all "political" speech, not only speech involving candidates for office. Mansky, 138 S. Ct. at 1889; AFDI, 978 F.3d at 497. Those policies gave administrators discretion to decide whether an advertisement with overtones of public issues was actually "political" and therefore in violation of the policy. AFDI, 978 F.3d at 497. Both cases implied that prohibiting political candidate advertising was sufficiently clear. Mansky, 138 S. Ct. at 1889; AFDI, 978 F.3d at 498. That is precisely what RTA has done.

Ms. Fisher's proposed ad clearly violates RTA's policy. Her advertisement endorses "the only true pro-environment candidate: Yuna Bang for mayor," befitting of the "blare of political propaganda" that RTA sought to avoid. See Lehman, 418 U.S. at 304. RTA objectively determined that the ad violated its reasonable policy to protect the purpose of its forum.

RTA's prohibition on political candidate advertising is facially constitutional and, as applied to this case, does not violate Ms. Fisher's First Amendment rights.

2. Restriction on Scornful Speech is Viewpoint Discriminatory.

RTA also rejected Ms. Fisher’s advertisement because it violated RTA’s policy against scornful advertisements. Recent decisions from the Supreme Court and this Court compel us to hold that this policy is not viewpoint neutral and violates the First Amendment.

Public entities may implement reasonable content restrictions in nonpublic forums but may not impose restrictions that discriminate on the perspective expressed. Mansky, 138 S. Ct. at 1885–86. For example, the government may ban political campaigning on a military base, but if it were to allow such speech, it could not provide access to only the Democratic or Republican Party. See Greer v. Spock, 424 U.S. 828, 831, 838–40 (1976); Rosenberger v. Rector and Visitors of Univ. of Va., 515 U.S. 819, 829–30 (1995). Similarly, the government may not determine that speaking in favor of one issue or cause is acceptable but speaking against it is prohibited. AFDI, 978 F.3d at 500. When the government acts in this manner, “it suggests that the government seeks to accomplish” more than the forum’s assigned purpose, but instead seeks to suppress certain ideas. AFDI, 978 F.3d at 499 quoting R.A.V., 505 U.S. at 390.

Two recent Supreme Court decisions are pertinent to our analysis. In Matal v. Tam, 137 S. Ct. at 1751, an individual successfully challenged the denial of a trademark because the government’s policy was viewpoint discriminatory. The government denied a trademark for “The Slants,” an East Asian racial slur, because it violated the Lanham Act’s disparagement clause. The Supreme Court held the clause was facially unconstitutional because the clause required the government to favor one moral standard and disfavors another. Passing judgment on the adequacy of a moral standard is viewpoint discrimination and therefore, impermissible under the First Amendment. Id. at 1763. Two years later in Iancu v. Brunetti, 139 S. Ct. 2294, 2297–2298, 2301 (2019), the government denied a trademark because the brand name resembled a vulgarity. A unanimous Supreme Court held that the “immoral or scandalous matter” provision of the

Lanham Act disfavored certain ideas while favoring others, which like Matal, was viewpoint discrimination. Id. at 2301–2302, citing Matal, 137 S. Ct. at 1751.

This Court applied Iancu and Matal to a transit advertising case, holding that a policy prohibiting advertisements that are “likely to hold up to scorn or ridicule any person or group of persons” violated the First Amendment. AFDI, 978 F.3d at 486. The Court explained that the transit agency’s policy distinguished between two opposed sets of ideas: those promoting a group of people and those disparaging the group. Id. at 500. The transit agency prohibited an advertisement because it implied that Islam was a violent religion, but the agency conceded that an advertisement implying that Islam was a peaceful religion would be permissible. Id. The policy, if allowed, required a public official to decide in which contexts speech disparaged a person or group, and when an advertisement with a negative tone did not “hold up to scorn.” This Court found that viewpoint discrimination did not vary “depending on the context,” and accordingly, the policy could not stand. Id. at 501.

Here, the same logic applies. RTA’s prohibition on advertising that is “scornful of an individual or a group of individuals” discriminates based on the viewpoint expressed.

The scornfulness policy requires a context-dependent analysis and enables a public official to pick which ideas may appear in the forum. Instead of prohibiting an entire subject of discussion, the policy distinguishes between two ideas: those that ridicule or scorn a group and those that support the group. See id. at 498, 500. By favoring speech that is not scornful, RTA’s policy enacted the same error appearing in Matal, Iancu, and AFDI. See Matal, at 137 S. Ct. at 1763; Iancu 139 S. Ct. at 2301, AFDI, 978 F.3d at 486. A policy disfavoring scornful speech cannot be evenhandedly applied any more than a policy that prohibits disparaging or ridiculing a group of persons. See AFDI, 978 F.3d at 486, 501. These policies require public officials to make decisions depending on the context, indicating they are facially invalid under the First Amendment.

The unconstitutionality of RTA’s scornfulness policy becomes clear when applied to this case. Ms. Fisher’s proposed advertisement disparages people who do not recycle. The Supreme Court and our Circuit precedent dictate that this must be compared to an

advertisement that promotes people who do not recycle, rather than scorn them. See AFDI, 978 F.3d at 500 (comparing advertisements promoting church attendance to those ridiculing church attendees). If an advertisement praising people who do not recycle would be allowed, the policy unconstitutionally discriminates based on viewpoint. An advertisement that read, “Recycling is too expensive. Thank you for throwing your cans in the trash!” does not appear to violate any provision of RTA’s policy, R. 042, and would likely be allowed.

We could further compare Ms. Fisher’s advertisement that “People who don’t recycle are TRASH” to an advertisement that read, “Not Recycling is Bad.” The two advertisements share a perspective on recycling and have a negative tone, but the latter would be unlikely to violate RTA’s policies. R. 042. Even so, an official must determine whether this advertisement was sufficiently disparaging to warrant the condemnation given the context of transit advertising. See AFDI, 978 F.3d at 501. Our precedent seeks to avoid this type of line drawing since viewpoint discrimination cannot vary depending on the context. Id. The official’s discretionary decision would be impermissible under the First Amendment.

RTA’s policy against scornful advertisement impermissibly chooses which viewpoints are allowed in its forum and is facially unconstitutional under the First Amendment.

III. Conclusion

The Court concludes that RTA permissibly rejected Ms. Fisher’s proposed advertisement. Fisher cannot show she was harmed by the impermissible grounds for denial as the policies are separate and independently sufficient. See Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle, 429 U.S. 274, 285–86 (1977) (upholding a government action when there is a constitutional justification, even if the government considered an unconstitutional factor that supported the action). We, therefore, REVERSE the district court’s order granting a preliminary injunction and REMAND with instructions that the Plaintiff’s complaint be dismissed.

Applicant Details

First Name **Robert**
 Middle Initial **B.**
 Last Name **Watson**
 Citizenship Status **U. S. Citizen**
 Email Address blakewatson30@gmail.com

Address
Address
Street
2311 Tuckaho Rd.
City
Louisville
State/Territory
Kentucky
Zip
40207
Country
United States

Contact Phone Number **502-243-7950**

Applicant Education

BA/BS From **University of California-Los Angeles**
 Date of BA/BS **June 2020**
 JD/LLB From **University of Pennsylvania Carey Law School**
<https://www.law.upenn.edu/careers/>
 Date of JD/LLB **May 15, 2023**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **Journal of Law and Education (published)**
University of Pennsylvania Journal of Law and Change (senior editor)
 Moot Court Experience **No**

Bar Admission

Prior Judicial Experience

Judicial Internships/
Externships **No**
Post-graduate
Judicial Law Clerk **Yes**

Specialized Work Experience

Recommenders

Mayeri, Serena
smayeri@law.upenn.edu
215-898-6728
Galbraith, Jean
jgalbraith@law.upenn.edu
215-746-7824
Selent, John
john.selent@dinsmore.com
Joki, Paige
pjoki@elc-pa.org
(215) 703-7920

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Robert B. Watson
2311 Tuckaho Rd.
Louisville, KY, 40207
rbwatson@pennlaw.upenn.edu
(502) 243-7950

March 24th, 2023
The Honorable Jamar K. Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge Walker:

I am writing to request your consideration of my application for your clerkship position beginning in the fall of 2024. I am currently a dual-degree third-year law and master's in education policy student at the University of Pennsylvania Carey Law School and will graduate this May.

I will be working as a litigation associate at Gibson, Dunn & Crutcher's Washington, D.C. office starting in the fall of this year. I have also already developed my legal research and writing skills through a variety of experiences at the ACLU of Northern California, Penn's Child Advocacy Clinic, the Education Law Center, and various law firms. As someone who is also openly-gay and who has a deep interest in continuing to do LGBTQ+ advocacy work during and following my time at Gibson Dunn, I would be thrilled to clerk for Virginia's first openly-gay federal judge. It would be an honor to be offered a clerkship position for your 2024-2025 term, and I would be fully committed to producing high-quality work for your chambers.

I have included my resume, transcripts, and writing sample in the following application. I have also included letters of recommendation from Professor Serena Mayeri (smayeri@law.upenn.edu), Professor Jean Galbraith (jgalbraith@law.upenn.edu), Paige Joki, Esq. (pjoki@elc-pa.org), and John Selent, Esq. (john.selent@dinsmore.com). You may also contact ACLU NorCal attorney Jennifer Chou (jchou@aclunc.org) for an additional reference.

Please let me know if absolutely any additional information would be useful, and thank you for your consideration of my application.

Respectfully,

Robert B. Watson

Robert Blake Watson

2311 Tuckaho Rd.
Louisville, KY, 40207
502.243.7950
rbwatson@pennlaw.upenn.edu

EDUCATION

University of Pennsylvania Carey Law School, Philadelphia, PA

J.D. Candidate, 2023

- Honors: Merit-Based Scholarship Recipient, [Published in Journal of Law and Education](#),
Morris Fellow, [U.S. Delegate to Waseda International Program](#) ([linked](#)), and
Research Assistant for Professor Serena Mayeri
- Activities: [Graduate Student Body President](#) (2022-2023)
Senior Editor, University of Pennsylvania Journal of Law and Social Change
Class Representative, Penn Law American Constitution Society
Social Chair, Lambda (LGBTQ+ Affinity Organization)

University of Pennsylvania Graduate School of Education, Philadelphia, PA

M.S.Ed Education Policy, Candidate 2023 (Merit-Based Scholarship Recipient)

University of California, Los Angeles (UCLA), Los Angeles, CA

BA, *magna cum laude*, Political Science, minor Education Studies, 2020

- Honors: Phi Beta Kappa, UCLA Honors Program, Dean's List
- Activities: *Student Body President* (2019-2020)
Published, UCLA and Columbia Undergraduate Law Reviews
Op-Eds and Featured: [LA Times](#), [Spectrum News](#), [TeenVogue](#) ([linked](#))

EXPERIENCE

ACLU of Northern California, San Francisco, CA

Fall 2022

Gender, Sexuality, and Reproductive Justice Legal Internship Program

Engaged in legal memoranda and brief drafting, legal research, and client intakes.

Gibson, Dunn & Crutcher LLP, Washington, D.C., & Los Angeles

Summer 2022

Diversity Scholars Program & Summer Associate

Split-summer diversity program in Gibson Dunn's D.C. and Los Angeles offices.

Education Law Center, Philadelphia, PA

Spring 2022

Internship Program

Led formal review and recommendations surrounding Philadelphia school district's Title IX policies, drafting and review of high-profile litigation motions, and managed client intakes and advocacy projects.

Dinsmore & Shohl LLP/Yum! Brands, Louisville, KY

Summer 2021

LCLD Diversity Scholar & Summer Associate

5 weeks working with Dinsmore, a national law firm, and 5 weeks with Yum! Brands' in-house counsel, gaining research and client-relationship experience in labor & employment, commercial litigation, insurance, and corporate matters.

LANGUAGES & INTERESTS

Intermediate fluency in Spanish, politics, writing,
state/national/international public forum debate champion.

Record of: Robert Blake Watson
 Penn ID: 59046530
 Date of Birth: 02-APR
 Date Issued: 28-FEB-2023

The University of Pennsylvania

U N O F F I C I A L

Page: 1

Level:Law

Primary Program

Program: Juris Doctor
 Division : Law
 Major : Law

Public Service/Pro Bono Requirement Satisfied

SUBJ NO.

COURSE TITLE

SH GRD

R

SUBJ NO.

COURSE TITLE

SH GRD

R Institution Information continued:

INSTITUTION CREDIT:

Fall 2020

Law

LAW 500 Civil Procedure (Fisch) - Sec 3 4.00 B+
 LAW 502 Contracts (Baker) - Sec 3 4.00 A-
 LAW 504 Torts (Delisle) - Sec 3 4.00 B
 LAW 510 Legal Practice Skills (Duncan) - Sec 3 4.00 CR
 LAW 512 Legal Practice Skills Cohort (Givertz) 0.00 CR
 Ehrs: 16.00

Fall 2021

Law

EDUC 559 Sociology of Education 3.00 A
 EDUC 698 Politics of School Reform 3.00 A
 LAW 659 Employment Discrimination (Mayeri) 3.00 A
 LAW 874 Jlasc Independent Research Seminar 1.00 CR
 LAW 875 Journal of Law and Social Change - Associate Editor 0.00 CR
 LAW 969 Discrimination in Education (Davis) 3.00 A
 LAW 999 Independent Study (Mayeri) 2.00 A
 Ehrs: 15.00

Spring 2021

Law

LAW 501 Constitutional Law (Roosevelt) - Sec 3/4 4.00 B+
 LAW 503 Criminal Law (Ossei-Owusu) - Sec 3 4.00 B+
 LAW 510 Legal Practice Skills (Duncan) - Sec 3 2.00 CR
 LAW 512 Legal Practice Skills Cohort (Givertz) 0.00 CR
 LAW 554 Gender and the Law (Mayeri) 3.00 A
 LAW 660 International Law (Burke-White) 3.00 A
 Ehrs: 16.00

Spring 2022

Law

EDUC 545 University-School-Community Research Partnerships:Theory & Practice (Edpl) 3.00 A
 LAW 555 Professional Responsibility (Sandman) 2.00 B+
 LAW 649 Interdisciplinary Child Advocacy Clinic (Finck/Deluria/Kenney) 7.00 B
 LAW 874 Jlasc Independent Research Seminar 1.00 CR
 LAW 875 Journal of Law and Social Change - Associate Editor 1.00 CR
 Ehrs: 14.00

***** CONTINUED ON NEXT COLUMN *****

Fall 2022

Law

***** CONTINUED ON PAGE 2 *****

Record of: Robert Blake Watson
Penn ID: 59046530
Date of Birth: 02-APR
Date Issued: 28-FEB-2023

UNOFFICIAL

Page: 2

The University of Pennsylvania

Level: Law

SUBJ NO.	COURSE TITLE	SH GRD	R
----------	--------------	--------	---

Institution Information continued:

LAW 8660	Ad- Hoc Externship (Wolff)	5.00 CR	
LAW 8750	Journal of Law & Social Change - Senior Editor	0.00 CR	
LAW 9540	Climate Change (Welton)	3.00 A	
Ehrs: 8.00			

Spring 2023

LAW 8750	Journal of Law & Social Change - Senior Editor	1.00 IN PROGRESS	
LAW 9290	Law and Sexuality (Wolff)	3.00 IN PROGRESS	
In Progress Credits 4.00			

***** TRANSCRIPT TOTALS *****

Earned Hrs			
TOTAL INSTITUTION	69.00		
TOTAL TRANSFER	0.00		
OVERALL	69.00		

***** Comments *****

Senior Writing Requirement - fulfilled through Discrimination in Education (Davis);

***** CONTINUED ON PAGE 3 *****

Record of: Robert Blake Watson
 Penn ID: 59046530
 Date of Birth: 02-APR
 Date Issued: 28-FEB-2023

The University of Pennsylvania

U N O F F I C I A L

Page: 3

Level:Professional

Primary Program

Program: Master of Science in Education
 Division : Graduate School of Education
 Masters/Doctorate
 Major : Education Policy

Certificate in: Gender, Sexuality & Women's Studies

SUBJ NO.	COURSE TITLE	CU GRD	R
R Spring 2023			
LAW 6310	Evidence (Rudovsky)	1.33	IN PROGRESS
LAW 9260	Higher Education Law and Policy (Mian)	1.00	IN PROGRESS
		In Progress Credits	2.33
***** TRANSCRIPT TOTALS *****			
		Earned Hrs	GPA Hrs Points GPA
TOTAL INSTITUTION		7.33	7.33 28.62 3.90
TOTAL TRANSFER		0.00	
OVERALL		7.33	7.33 28.62 3.90
***** Comments *****			
In response to the COVID-19 pandemic, specific divisions within the University of Pennsylvania granted alternate grading options for academic terms that were impacted. See COVID-19 Alternate Grading Policies in the Archives of University Catalogs for details.			
***** END OF TRANSCRIPT *****			
***** CONTINUED ON NEXT COLUMN *****			

Student Copy / Personal Use Only | [204832262] [WATSON, ROBERT]

University of California, Los Angeles
UNDERGRADUATE Student Copy Transcript Report
Missing Valid Seal

For Personal Use Only

This is an **unofficial/student copy** of an academic transcript and therefore does not contain the university seal and Registrar's signature. Students who attempt to alter or tamper with this document will be subject to disciplinary action, including possible dismissal, and prosecution permissible by law.

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

Student Information

Name: WATSON, ROBERT BLAKE
UCLA ID: 204832262
Date of Birth: 04/02/XXXX
Version: 08/2014 | SAITONE
Generation Date: December 29, 2020 | 12:10:57 AM
This output is generated only once per hour. Any data changes from this time will be reflected in 1 hour.

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

Program of Study

Admit Date: 09/19/2016
COLLEGE OF LETTERS AND SCIENCE
Major:
POLITICAL SCIENCE
Minor:
EDUCATION STUDIES

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

Degrees | Certificates Awarded

BACHELOR OF ARTS Awarded June 12, 2020
in POLITICAL SCIENCE
With a Minor in EDUCATION STUDIES
Magna Cum Laude
With College Honors

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

Secondary School

DUPONT MANUAL HIGH SCHOOL, May 2016

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

University Requirements

Entry Level Writing satisfied
American History & Institutions satisfied

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

California Residence Status

Nonresident

For Personal Use Only
Unofficial/Student Copy
Missing Valid Seal

Student Copy / Personal Use Only | [204832262] [WATSON, ROBERT]

Transfer Credit

Institution

ADVANCED PLACEMENT

CAMPBELLSVILLE UNIVERSITY

1 Term to 10/2016 Psd 68.0

1 Term to 10/2016 9.0

Fall Quarter 2016

Major:

PREPOLITICAL SCIENCE

CHICANO HIST&CULTUR

CHICANO 10A

5.0

20.0

A+

DIFF&INTGL CALCULUS

MATH 31A

4.0

12.0

B

INTR-POLITCL THEORY

POL SCI 10

5.0

18.5

A-

POLITICS & STRATEGY

POL SCI 30

5.0

13.5

B-

Term Total Atm 19.0 Psd 19.0 Pts 64.0 GPA 3.368

Winter Quarter 2017

ENGL COMP-RHET&LANG

ENGCOMP 3

5.0

20.0

A

INTRNTL REL-MIDEAST

POL SCI 132A

4.0

16.0

A+

RACE&GNDR&EDU INEQL

POL SCI 186

4.0

16.0

A+

HONORS CONTRACTS

POL SCI 189HC

1.0

4.0

A

Honors Content

Dean's Honors List

Term Total Atm 14.0 Psd 14.0 Pts 56.0 GPA 4.000

Spring Quarter 2017

INTRNTL REL-MIDEAST

HNRS M157

4.0

14.8

A-

Honors Content

INTEGRN&INF SERIES

MATH 31B

4.0

13.2

B+

WORLD POLITICS

POL SCI 20

5.0

20.0

A

Term Total Atm 13.0 Psd 13.0 Pts 48.0 GPA 3.692

Student Copy / Personal Use Only | [204832262] [WATSON, ROBERT]

Fall Quarter 2017

PRIN OF ECONOMICS	ECON 1	4.0	13.2	B+
COMM&CORPRAT INTERN	POL SCI 195CE	4.0	16.0	A
INTRO-AMERICN PLTCS	POL SCI 40	5.0	20.0	A+
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u>
	Term Total	13.0	13.0	49.2
				<u>GPA</u>
				3.785

Winter Quarter 2018

INTRO TO BUDDHISM	ASIAN M60W	5.0	20.0	A
Writing Intensive				
ECOL&ENVIRN PROBLMS	HNRS 41	5.0	20.0	A
Honors Content				
GEN ENGR-MED&AG&LAW	HNRS 70A	5.0	20.0	A
Honors Content				
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u>
	Term Total	15.0	15.0	60.0
				<u>GPA</u>
				4.000

Spring Quarter 2018

ART&TECH-FILMMAKING	FILM TV 4	5.0	20.0	A
WESTERN CIVILIZATN	HIST 1C	5.0	20.0	A
ISRL-CONFLICT OF ID	POL SCI 191D	4.0	16.0	A
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u>
	Term Total	14.0	14.0	56.0
				<u>GPA</u>
				4.000

Fall Quarter 2018

<u>Major:</u>				
POLITICAL SCIENCE				
PEOPLE&EARTH ECOSYS	GEOG 5	5.0	20.0	A
PAST PEOPLE&FUTR	HNRS M152	5.0	20.0	A+
Honors Content				
INTRO-STAT REASON	STATS 10	5.0	20.0	A
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u>
	Term Total	15.0	15.0	60.0
				<u>GPA</u>
				4.000

Student Copy / Personal Use Only | [204832262] [WATSON, ROBERT]

Winter Quarter 2019

LGBT ISSUES-ED&LAW	EDUC 147	4.0	16.0	A
PUB OPIN&VTNG BEHAV	POL SCI 141B	4.0	14.8	A-
DISCRS BEFR DEMCRCY	POL SCI 163A	4.0	16.0	A
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u> <u>GPA</u>
	Term Total	12.0	12.0	46.8 3.900

Spring Quarter 2019

POLICY ANLYS&POLTCS	EDUC 162	5.0	20.0	A+
CURRENT ISSUES-EDUC	EDUC 191A	4.0	16.0	A
CLNLISM&DCRS&DMCRCY	POL SCI 163B	4.0	16.0	A
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u> <u>GPA</u>
	Term Total	13.0	13.0	52.0 4.000

Fall Quarter 2019

EDUCATION AND LAW	EDUC 129	5.0	20.0	A
GLBLZTN & LEARNING	EDUC 152A	4.0	16.0	A
MEX-AM&THE SCHOOLS	EDUC M102	4.0	16.0	A
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u> <u>GPA</u>
	Term Total	13.0	13.0	52.0 4.000

Winter Quarter 2020

EDUC EQLTY&FUTR SOC	EDUC 11	5.0	20.0	A
CREATING ROADMAP Honors Content	HNRS 50	5.0	20.0	A
INSTITUTNL DEVLPMNT	POL SCI 147C	4.0	16.0	A
Dean's Honors List				
		<u>Atm</u>	<u>Psd</u>	<u>Pts</u> <u>GPA</u>
	Term Total	14.0	14.0	56.0 4.000

Student Copy / Personal Use Only | [204832262] [WATSON, ROBERT]

Spring Quarter 2020

RACE&CLASS&INEQUAL	EDUC 130	5.0	20.0	A
DIRECTED RESEARCH	EDUC 199	4.0	16.0	A
THE PRESIDENCY	POL SCI 140B	4.0	16.0	A
INTERMEDIATE SPAN	SPAN 4	4.0	14.8	A-

Due to the COVID-19 pandemic, Passed/
Not Passed grading permitted for many
classes and degree requirements.

Dean's Honors List

	<u>Atm</u>	<u>Psd</u>	<u>Pts</u>	<u>GPA</u>
Term Total	17.0	17.0	66.8	3.929

UNDERGRADUATE Totals

	<u>Atm</u>	<u>Psd</u>	<u>Pts</u>	<u>GPA</u>
Pass/No Pass Total	0.0	0.0	N/a	N/a
Graded Total	172.0	172.0	N/a	N/a
Cumulative Total	172.0	172.0	666.8	3.877

Total Non-UC Transfer Credit Accepted	77.0
Total Completed Units	249.0

END OF RECORD
NO ENTRIES BELOW THIS LINE

UNIVERSITY OF PENNSYLVANIA CAREY LAW SCHOOL

March 24, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Re: Clerkship Applicant Robert Watson

Dear Judge Walker:

It is with great pleasure and enthusiasm that I write to recommend Robert Blake Watson for a clerkship in your chambers. Mr. Watson's intellect, interpersonal acuity, leadership, and dedication promise to make him an excellent law clerk.

Mr. Watson, who grew up and attended public schools in Louisville, Kentucky, graduated magna cum laude and Phi Beta Kappa from UCLA's Honors Program, where he served as Student Body President and took a leadership role in the university's response to the pandemic, earning an award from the Chancellor for his service. A political science major, Mr. Watson came to law school to pursue his passion for ensuring equal opportunity in education. He received merit-based scholarships both to the law school and to obtain a master's degree in education policy at Penn's Graduate School of Education.

I first met Mr. Watson when he enrolled in my (remote) elective course on Gender and the Law in the spring of his first year of law school. Mr. Watson stood out in a talented group of students for his insightful contributions to class discussions and his probing questions after class. My practice while teaching virtually was to stay in the "classroom" after class speaking with any students who wanted to stay, and Robert and I had many conversations on Zoom that semester. His enthusiasm for learning and for absorbing new perspectives was contagious, and his ability to assimilate and articulate ideas impressed me tremendously.

The materials we studied encompassed caselaw and academic literature in a variety of areas, including anti-discrimination law, reproductive health, employment, education, violence, legal education, and family law. Grades in the course were based primarily on an 8-hour take-home essay exam that tested students' understanding of both doctrine and interdisciplinary scholarship. Mr. Watson wrote an excellent exam that reflected his mastery of the material and easily earned one of a small handful of As in the course.

I was delighted when Mr. Watson decided to enroll in my Employment Discrimination course in the Fall of 2021, held in person. Again, he was a valued contributor to class discussions, including small group exercises, where his professionalism, collegiality, and leadership skills were frequently on display. Grades in the course were based primarily on an 8-hour takeaway exam. The first part of the exam consisted of two issue-spotter questions that required students to identify potential legal claims, apply the law to an intricate fact pattern, and make compliance recommendations to a hypothetical employer or strategize on behalf of a potential plaintiff. The second part was a more open-ended essay question that asked students to make descriptive and normative judgments about the field of employment discrimination law. Mr. Watson's were well-written, thoughtful, and evidenced his command of both doctrinal details and broader policy conundrums. Again, he earned a solid A in the course, with the highest raw exam score in the class.

I also had the opportunity to work closely with Mr. Watson on an independent study research paper he wrote during his 2L year, exploring the implications of the Supreme Court's recent decision in *Bostock v. Clayton County* for the lawfulness of single-sex education programs. Mr. Watson was especially interested in thinking about how single-sex schooling might affect LGBTQ+ students, and from the outset he planned to write an article for publication. By the end of the academic year, he succeeded in producing an article that was accepted by and published in the *Journal of Legal Education*, a rare accomplishment for a law student. Our many conversations through several revisions left me impressed with Mr. Watson's commitment to producing high-quality work and his responsiveness to constructive feedback on his writing. I had already caught a glimpse of Mr. Watson's strong research skills when he assisted me with my own research on in loco parentis doctrines in family law and on the legal treatment of nonmarital sexual conduct by public schoolteachers over the summer before his 2L year. Robert asked all the right questions to ensure that the sources he gathered were as helpful as possible to my project.

I was able to observe Mr. Watson's work with a team of fellow students when he participated in the (remote) 2021 Transnational Program at Waseda University Law School in Tokyo. The program, held daily on Zoom during spring break, involved five intense days of meetings, lectures, and presentations on the subject of marriage equality. Faculty and students from law schools in Japan, South Korea, Taiwan, Germany, and the U.S. gathered to undertake a sustained comparative legal study. Mr. Watson and his teammates worked beautifully with one another and with their international counterparts to produce an excellent presentation on the final day of the program.

Others who have had the opportunity to observe Mr. Watson in the classroom have similarly been struck by his character as well as his aptitude as an advocate. Professor Tom Baker, who taught Robert Contracts in the Fall of 2020, writes: "Robert was one of the most thoughtful students in the class. His questions and reflections demonstrated genuine curiosity and engagement with the material, with a focus on the reasons for and the social consequences of the contract law doctrine we were studying. In

Serena Mayeri - smayeri@law.upenn.edu - 215-898-6728

addition to all the good things this suggests about his character, it also suggests that he will be a formidable advocate.” His first-year Legal Practice Skills instructor, Matthew Duncan, confirms Robert’s interpersonal and advocacy skills. Professor Duncan wrote to me that Robert is “a clear thinker, solid writer, outstanding oral communicator (and courtroom advocate), and terrific team player. His interpersonal skills stand out. Robert is unfailingly friendly, modest, and respectful of others, and thus thrives in all environments where people skills matter.”

Mr. Watson has gained valuable and diverse legal experience during law school. He spent the summer after his 1L year in his hometown of Louisville, at a law firm and with in-house counsel, working on matters involving labor and employment, insurance, and corporate law, including litigation. Prior to law school, he served as an intern at another Louisville law firm specializing in class action tort litigation. He completed a term-time externship at the ACLU of Northern California and spent his 2L summer at Gibson Dunn, where he will return after graduation.

In addition to compiling an impressive academic record, Mr. Watson has continued to take on leadership roles within the law school and the broader university community. He has served as Lambda’s social chair, as an editor for the Journal of Law and Social Change, as a Morris Fellow (mentor to 1L students), and was elected President of the Graduate Student Assembly for 2022-23.

Robert wears his accomplishments lightly. He is warm, thoughtful, kind, and an absolute pleasure to be around. He is self-confident but humble, dedicated but open-minded, and has a knack for putting others at ease. I anticipate that he will have a distinguished and impactful career serving the public interest, whether as a litigator, a public servant, or both. I have no doubt that he will be a superb addition to any judge’s chambers. In short, Robert Blake Watson’s application for a judicial clerkship has my strong and enthusiastic endorsement.

Thank you very much for your consideration. If I can provide any further information or assistance, please do not hesitate to contact me.

Sincerely,

Serena Mayeri
Professor of Law and History
Tel.: (215) 898-6728
E-mail: smayeri@law.upenn.edu

Serena Mayeri - smayeri@law.upenn.edu - 215-898-6728

UNIVERSITY OF PENNSYLVANIA CAREY LAW SCHOOL

March 24, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Re: Clerkship Applicant Robert Watson

Dear Judge Walker:

Robert Blake Watson is applying for a clerkship in your chambers. Robert was a strong student in my Federal Courts class. He is smart, warm, and engaging. I recommend him to you with enthusiasm.

I taught Robert in Federal Courts in the fall of 2022. I had a relatively small group of students – 36 – which enabled me to call on them frequently. Robert was an excellent student in class. When I called on him, he was well prepared, had a clear grasp of the doctrine, and had the gift of being able to see both sides of an argument. He did not volunteer comments too often, but when he did they were on point and good value. He wrote a smart, careful exam and earned an “A-” for the course. His exam showed good writing, clear thinking, and strong preparation. He did a particularly good job in working his way through a knotty habeas problem.

Robert's performance in Federal Courts was all the more impressive because he missed the last two weeks of the semester due to a family health crisis. His grandmother became seriously ill, and he went home to Louisville, Kentucky, to be her caregiver. Throughout this time, he showed strong professionalism in communicating with me and in continuing to study Federal Courts while dealing with a challenging family situation. He watched the course recordings and regularly attended my virtual office hours.

In my conversations with Robert outside of class, I have been impressed by his energy, intellectual curiosity, and good cheer. He has one of the most robust set of extracurricular activities that I have seen in a law school student. Within the law school, he serves on the Journal of Law and Social Change, on the American Constitutional Society, and on the Lambda affinity group. But as a dual degree student (in Educational Policy), his extracurricular interests range even more broadly, and he is presently the President of the Graduate Student Body for the entire University of Pennsylvania. This is basically a full-time job in itself; he has served on numerous University committees and does an enormous amount to advocate for graduate students. Somehow, he also manages to find time to keep up his love for the outdoors – he is a committed biker and has done a lot of hiking on the Appalachian Trail and the Pacific Crest Trail.

In short, I recommend Robert to you as a law clerk. He is smart, hardworking, and thoughtful. And he would be a delightful person to have around chambers: kind, a great conversationalist, and a team player. I would be delighted to talk more about Robert if you have questions. I can be reached by phone at (215) 746-7824 and my email is jgalbraith@law.upenn.edu.

Sincerely,

Jean Galbraith Professor of Law
jgalbraith@law.upenn.edu
215-746-7824

Jean Galbraith - jgalbraith@law.upenn.edu - 215-746-7824



John E. Selent
(502) 540-2315 (direct) ^ (502) 585-2207 (fax)
john.selent@dinsmore.com

February 25, 2023

Re: Robert Blake Watson

To Whom It May Concern:

I write to enthusiastically recommend Robert for a judicial clerkship in your chambers. I have come to know Robert both personally and professionally as a summer associate in the Dinsmore Louisville office. Personally, Robert is a delight to be around; he is articulate, witty, and charming. Robert is also academically brilliant. He graduated *magna cum laude* from the University of California, Los Angeles (UCLA), and is successfully pursuing dual degrees at one of the finest law schools in the nation at the University of Pennsylvania.

In addition to being a standout scholar, Robert is a leader. At both his undergraduate and graduate schools he was elected president of the undergraduate student body and the graduate student body, respectively. Robert is also a member of the LGBTQ community. Robert has been a leader in his community's efforts to achieve social, legal, and economic equality, but also maintains deep respect and understanding for those with differing political and legal philosophies. I have come to deeply admire Robert for his ability to develop significant professional relationships with those from diverse personal, political, and legal backgrounds.

I know Robert to be discreet, trustworthy, and committed to excellence in legal scholarship. Robert will be utterly discreet in his work with you and assist you to deliver excellence as you discharge your judicial responsibilities. I asked two of my partners at Dinsmore who also worked closely with Robert to comment upon his work for them in the course of representing clients.

Specifically, Sarah M. McKenna commented as follows:

Robert was an exceptional summer associate. I was particularly impressed with the work he performed related to a complex environmental law claim filed against one of our clients in Rhode Island. At the outset, I was impressed with Robert's initiative in researching the proper response, having had no prior experience with either the applicable statute or the applicable state law. I was equally impressed with his prudence to ask the appropriate questions at the outset to ensure proper work product, which when received exceeded expectations for his level of

experience. Robert also demonstrated the ability to see the larger litigation strategy rather than being solely focused on the task at hand. For example, he frequently completed a task and then recommended next steps to be taken and offered to assist showing great initiative. During a call with local counsel that I asked him to attend only to listen in to obtain experience, he took it on himself to take notes and then circulate them to our team afterward. When sending the notes, he asked if he could take on some of the tasks that were discussed, without my having to reach out to him or assign them. Throughout my time working with Robert, his work product and work ethic exceeded all expectations. He was always thorough, excellent at research and writing, showed genuine curiosity, and was able to work independently without having to be directed.”

And Joseph N. Tucker commented as follows:

Robert was a pleasure to work with and displayed a keen intellect. In the early summer of 2021, pre-Ramirez, Robert researched and wrote an outstanding memo on Article III standing comparing and contrasting the competing viewpoints and case law from the Ninth and Sixth Circuit Courts of Appeals for two different consumer class actions. Robert quickly understood the issues and evaluated the concept of whether an alleged procedural violation of two different consumer protection statutes can, by itself, manifest a “concrete injury” sufficient to confer Article III standing within the two circuits.

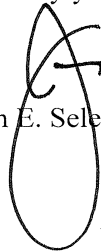
Robert’s enthusiasm for this topic, which was new to him, was refreshing. I was pleased by his intellectual curiosity in an area of the law that, for most students and many lawyers, is challenging and very dry. Nevertheless, Robert handled the project very well and engaged in several conversations with me about the issues and how we thought the Supreme Court might rule on this issue. Robert’s commitment to understanding a complex and nuanced area of the law showed me what a legal talent Robert could become, because he truly seems to enjoy research, writing, and evaluating complex legal issues. I would hire Robert immediately if he were to return to his hometown of Louisville (which I hope he does) following clerkship and firm opportunities, but in the meantime, I wholeheartedly recommend Robert for a judicial clerkship.

In conclusion, I enthusiastically recommend Robert to you as a judicial clerk; he will serve you extraordinarily well and will be an absolute pleasure to have in your chambers.

If you have any questions at all, please do call me or either of my partners quoted above. Sarah McKenna can be called at (502) 581-8031, and Joe Tucker can be called at (502) 540-2360.

Sincerely yours,

John E. Selent

A handwritten signature in black ink, appearing to read "John E. Selent", written over the printed name.



PHILADELPHIA
1800 JFK Blvd., Suite 1900A
Philadelphia, PA 19103
T 215-238-6970
F 215-772-3125

PITTSBURGH
429 Fourth Ave., Suite 702
Pittsburgh, PA 15219
T 412-258-2120
F 412-535-8225

Dear Honorable Judge,

It is my great pleasure to write this letter of recommendation for Robert Watson for employment as a Judicial Clerk.

I had the opportunity to work with Robert on several important projects over the past semester in his capacity as a legal intern with the Education Law Center-PA (ELC), a non-profit legal advocacy organization that seeks to ensure a quality public education for all children in Pennsylvania. As one of the staff attorneys at ELC who was supervising his work on specific projects, I have experienced firsthand Robert's devotion to understanding the intricacies of the law to solve barriers students are facing through existing and emerging case law, his detail-oriented work style, and his proactive efforts to seek feedback. I have been consistently impressed with Robert's devotion to his work and his initiative to seek out complex assignments that required him to gain knowledge in areas of the law of which he was not already familiar. It is my impression that Robert would excel as a law clerk.

There are two projects that Robert worked on that stand out. Robert served as a vital resource in reviewing and revising a Pennsylvania school district's policies and procedures relating to harassment on the basis of protected class status and Title IX. His thoughtful document review of these policies and detailed recommendations based on the evolving Title IX jurisprudence were crucial resources in meetings with the school district. The district has taken several of Robert's solutions under advisement as they work to finalize the revised guidance. Robert also took part in similar legal review and recommendation assignments relating to the mechanisms by which students report instances of harassment and bullying in schools using an online complaint form, and I was equally impressed with his work in that context as well. Robert's suggestions would make the platform better comply with an array of legal mandates that protect students' rights, should the district implement them.

Additionally, my colleague and Senior Attorney, Margie Wakelin had this to say about Robert's litigation work:

Robert also greatly contributed to ELC's litigation efforts on two high-profile cases. In one such case, Robert led ELC's efforts in reviewing and editing ELC's motion citations. Robert demonstrated his notable attention to detail, and even went so far as to provide valuable feedback regarding above-the-line text as well. Along with leading our document review efforts as part of an extensive discovery request, Robert conducted extremely valuable research on jurisprudence for motions relating to the admissibility of witness

Ensuring that all of Pennsylvania's children have equal access to a quality public education.

testimony. In all of Robert's work, my colleagues and I were consistently impressed with his thoroughness and clear legal writing.

Finally, Robert demonstrates leadership qualities, and is a courteous and responsive colleague. He is able to work both independently and be a collaborative team player. If given the opportunity to serve as a judicial clerk, I am certain that Robert will be equally devoted and passionate and take every effort to produce high quality work.

I give a resounding recommendation to Robert. I am confident he will serve as an excellent law clerk for any judge that receives his application.

If I can provide additional information about my experience working with Robert, please let me know.

Respectfully,



Paige Joki, Esq.

Staff Attorney

(Pronouns: she/her)

Education Law Center | 1800 JFK Boulevard, Suite 1900 A, Philadelphia, PA 19103
(215) 703-7920 (direct and fax) | pjoki@elc-pa.org

Article III Standing Memorandum

MemorandumTo:¹

From: Robert Blake Watson

Re.: Sixth Circuit Article III Standing Memorandum (2021)²

Issue Presented

This paper addresses whether REDACTED (hereinafter “Plaintiff”) has Article III standing to sue against REDACTED (hereinafter “Clients”) under the Fair Debt Collection Practices Act (hereinafter “FDCPA”) when Plaintiff was sent debt collection letters after she had knowingly paid her debts in full. This paper briefly surveys standing jurisprudence in the Sixth Circuit Court of Appeals and discusses whether Clients have feasible arguments against standing in the lawsuit brought by Plaintiff.

Short Answer

Plaintiff likely has sufficient standing to sue. Although there are arguments that challenge the three elements pointing in favor of Article III standing, these arguments are weak in light of Sixth Circuit precedent. *See generally Buchholz v. Meyer Njus Tanick*, 946 F.3d 855 (6th Cir. 2020).

BACKGROUND FACTS

Plaintiff brings an action against Clients in the United States District Court for the REDACTED, claiming violations of the Fair Debt Collection Practices Act (FDCPA) stemming from debt collection letters sent by Clients to Plaintiff after her debt had been settled. *See* Compl. § 1. The FDCPA was promulgated to respond to “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors” by ensuring that abusive debt collection practices are eliminated and that “those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged.” *Id.* at § 1-2. Plaintiff demands actual

¹ Names of parties and legal counsel are excluded from this document.

² Please note that there have been developments in standing jurisprudence since the completion of this paper.

Article III Standing Memorandum

damages, statutory damages, attorney fees and costs, declaratory relief, and any such other relief deemed just and proper by the Court. *Id.* at § 9.

LEGAL STANDARD**Overview of Article III Standing in Sixth Circuit**

Article III standing precedent dictates that Plaintiff must have (1) suffered an injury-in-fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision. *See Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016).

I. Injury-in-fact

For the first prong, Plaintiff must show that she suffered an injury-in-fact. Injury-in-fact must consist of both concreteness and particularization. *Id.* To satisfy the concreteness requirement, “both history and the judgment of Congress play important roles.” *Id.* at 1549. Additionally, the injury-in-fact must be “actual or imminent, not conjectural or hypothetical[.]” *See Lujan v. Defs of Wildlife*, 504 U.S. 555, 560 (1992).

II. Traceability

For the second prong, Plaintiff must show that the injury-in-fact is directly traceable to Clients’ alleged conduct. While statutory violations alone typically do not automatically become traceable to an injury, Congress may “define injuries and articulate chains of causation that will give rise to a case or controversy where none existed before.” *Id.* at 580 (Kennedy, J., concurring in part and concurring in the judgment). Even so, separation-of-powers principles “prevent Congress from expanding the scope of judicial power beyond what Article III permits.” *See Buchholz*, 946 F.3d at 865.

III. Redressability

For the third prong, Plaintiff must show that the injury-in-fact is likely to be redressed by a favorable judicial decision. This prong is not a principal area of contention in Plaintiff’s case, as she

Article III Standing Memorandum

has clearly stated relief to redress the alleged injury caused by Clients. *See* Compl. § 9; *See also Spokeo*, 136 S. Ct. at 1547.

Recent Sixth Circuit Case Law on Standing

The most recent and notable Sixth Circuit case on Article III standing is *Buchholz v. Tanick*, where the plaintiff claimed to have suffered anxiety as a result of debt collection letters sent by a debt collection law firm. *See Buchholz*, 946 F.3d at 865. Finding that the plaintiff failed to allege any “concrete injury-in-fact” traceable to the law firm’s conduct, the court noted that while mere procedural violations alone typically do not constitute sufficient injury-in-fact, certain procedural violations are sufficient to satisfy the injury-in-fact threshold. *Spokeo*, 136 S. Ct. at 1549. Injury-in-fact must consist of both concreteness and particularization. *Id.*

Buchholz underscores that “being subjected to attempts to collect debts not owed” satisfies both the congressional judgment and history in common law requirements to sufficiently convey standing. *See Buchholz* (citing *Demarais v. Gurstel Chargo, P.A.*, 869 F.3d 685, 691 (8th Cir. 2017)). The interplay of this existing exception to the rule barring standing for mere procedural violations may conflict with precedent in other courts of appeals that look only to whether there has been a genuine concrete injury, ignoring distinctions between substantive and procedural rights. *See generally Muransky v. Godiva Chocolatier, Inc.*, 979 F.3d 917 (11th Cir. 2020) (finding that the question to consider “is whether an injury in fact accompanies a statutory violation.”). While defendants may attempt to make arguments against standing, there is a limited possibility of overcoming the *Buchholz* exception granting standing in cases where a debt collector misstates the amount of debt owed.

ANALYSIS**Plaintiff Likely Has Standing**

Plaintiff likely has satisfied all three prongs of Article III standing. Plaintiff has alleged an

Article III Standing Memorandum

injury-in-fact that is similar to that raised in *Buchholz*, where the Sixth Circuit Court of Appeals emphasized that debt-collection practices, such as those alleged in Plaintiff's complaint, satisfy standing requirements. *See Buchholz* (citing *Demarais, P.A.*, 869 F.3d at 691). Although in most cases injury-in-fact requires more than mere emotional harm, the Sixth Circuit has found that Congress was clear in its intent to confer standing in cases similar to Plaintiff's when it promulgated the FDCPA. *Id.* While *Buchholz*'s carve-out for standing in cases surrounding debt collection practices for debts not owed plausibly confers standing by itself, Plaintiff would also likely satisfy the traceability and redressability prongs on the basis of the alleged facts. Plaintiff's alleged emotional distress from Clients' debt-collection practices directly traces the actions of Clients to the harm alleged by Plaintiff, and the district court is able offer redress through monetary damages or injunctive remedies for the alleged harm experienced. *See* Compl. § 9. There are nonetheless some arguments Clients could attempt to proffer against finding standing in this instance.

Arguments for Lack of Standing**I. No harm could have occurred after debt obligations were paid**

Clients' most plausible argument against standing is that the letters sent by Clients to Plaintiff were mistakenly sent after Plaintiff had knowingly extinguished all prior debt through settlement proceedings. The district court should distinguish between cases where a firm or debt collector uses malicious collection tactics to frighten previous debtors versus cases like Plaintiff's, where a debt collector mistakenly continues to send informative letters regarding a pending debt that the former debtor confidently knows have been settled. This distinct factual circumstance could place this matter outside the purview of the FDCPA, and eliminate any case or controversy. While *Buchholz* makes clear that "being asked to pay a debt not owed" constitutes a concrete injury-in-fact sufficient to convey standing, other cases suggest that actions by debt collectors after debt has been paid or extinguished do not fall under the FDCPA's purview. *See Buchholz*, 946 F.3d at 865. In *Winter v. I.C.*

Article III Standing Memorandum

Systems, a federal district court in California held that a “plaintiff cannot allege a claim for a violation of the FDCPA based on conduct occurred after he paid his debt in full”, finding that the FDCPA makes clear in its own definition of “debt” that “the FDCPA does not apply once a consumer is no longer obligated to pay a debt.” *See Winter*, 543 F. Supp. 2d 1210, 1215 (S.D. Cal. 2008); 15 U.S.C. § 1692a(5). Additionally, the district court in Northern Illinois held in *Posso v. ASTA Funding* that “Congress [has] said nothing in regard to the actions by debt collectors after debts have been satisfied and debt collection proceedings have concluded.” *See Posso*, No. 07 C 4024, 2007 WL 3374400, at *2 (N.D. Ill. Nov. 9, 2007).

Here, Plaintiff knew that she was no longer subject to debt collection activities by Clients, as she was party to the settlement proceedings that extinguished all prior debt. *See* Compl. § 3. Plaintiff’s knowledge of the settlement agreement prior to receiving the allegedly distressing letters may negate any argument that Clients caused emotional harm. The facts alleged in Plaintiff’s complaint can be compared to and distinguished from the *Buchholz* case and its supporting cases in several important ways. As in *Buchholz*, Plaintiff’s alleged emotional reaction of being left “confused, scared, pained, stressed, distraught, and sad” all likely fall into the categorical exclusion of “general emotional harm” that is not considered concrete injury-in-fact. *See* Compl. § 5; *See also Valley Forge Christian College v. Americans United for Separation of Church and State*, 454 U.S. 464 (1982); *Humane Society of United States v. Babbitt*, 849 F. Supp. 814 (D.D.C. 1994); *Hein v. Freedom From Religious Found., Inc.*, 551 U.S. 587 (2007) (Scalia, J., concurring in judgment).

Although the *Buchholz* exception relies on the *Demarais* decision by underscoring that being subjected to attempts to collect debts not owed is sufficient to establish concrete injury-in-fact, the facts of *Demarais* are distinct to those alleged in Plaintiff’s complaint. *See generally Demarais*, 869 F.3d 685. In *Demarais*, a debt collector and law firm were engaged in the practice of bringing debtors to court in an attempt to seek judgments based on non-appearance at trial. *Id.* at 686. After plaintiff Mr.

Article III Standing Memorandum

Demarais had the case against him dismissed with prejudice, the law firm nonetheless served him with extensive interrogatories, document production requests, and requests for admission using the caption and number of the dismissed case. In each case, courts must decide, based on the facts at hand, “whether an injury-in-fact accompanied a statutory violation.” *See Muransky*, 979 F.3d at 930; *See also Buchholz*, 946 F.3d at 865 (“The [Supreme] Court did not establish a bright-line rule for when a procedural violation, by itself, rises to the level of an injury in fact, and this Court has since noted that ‘it’s difficult, we recognize, to identify the line between what Congress may, and may not, do in creating an “injury in fact.”’”). Unlike in Plaintiff’s case, Mr. Demarais’ case was “not a situation where ‘it [was] difficult to imagine’ how the violation of a statutory right could cause concrete harm,” as being served with fraudulent discovery requests and documents with a dismissed case number would tend “to cause people mental distress, creat[ing] the risk of real, concrete harms.” *See Demarais*, 869 F.3d at 692. In Plaintiff’s case, no such letters were sent under the false pretense of pending legal action, nor did the letters claim to require a response before any particular deadline. *See Exhibits A, B, C*. These factual distinctions between *Demarais* and Plaintiff’s case could provide the district court with a mechanism to distinguish between cases where a firm or debt collector uses malicious collection tactics to frighten previous debtors versus cases like Plaintiff’s, where a debt collector mistakenly continues to send informative letters regarding a pending debt that the former debtor confidently knows have been settled.

II. No concrete injury-in-fact

Clients may also argue that there was no concrete injury-in-fact, even withstanding the *Buchholz* exception granting standing in cases where an individual is being asked to pay a debt not owed. Mere anxiety or vague emotional reactions do not constitute a concrete injury-in-fact sufficient to convey standing. In *Buchholz*, anxiety alone was insufficient to create an injury-in-fact. *See Buchholz*, 946 F.3d at 865; *See also Humane Soc’y of United States*, 46 F.3d at 98 (“But general

Article III Standing Memorandum

emotional ‘harm,’ no matter how deeply felt, cannot suffice for injury-in-fact for standing purposes”). Additionally, *Clapper v. Amnesty Int’l USA* held that “fear of any future harm is not an injury-in-fact unless the future harm is ‘certainly impending.’” See *Buchholz*, 946 F.3d at 865 (citing *Clapper v. Amnesty Int’l USA*, 568 U.S. 398 (2013)). Existing precedent also dictates that “a plaintiff cannot create an injury by taking precautionary measures against a speculative fear” that isn’t certain to come to fruition. See *Buchholz*, 946 F.3d at 865. Although *Demarais* underscores that “being asked to pay a debt not owed” constitutes a concrete injury-in-fact that is in-itself sufficient to convey standing, the court’s reasoning in *Demarais* notably relied on the distinct facts of the case. There, a former debtor was sent letters that deceptively implied he was still subject to a pending legal action that was previously dismissed with prejudice. See *Demarais* at 869 F.3d at 692. The court determined that the letters would cause “reasonable people mental distress [and] create the risk of real, concrete harms.” *Id.* Here, it may not be reasonable for Plaintiff to allege mental distress and the risk of concrete harm when she merely received innocuous letters containing no threat of legal action regarding a debt that she knew was settled.

Merits Defense - Bona fide error affirmative defense

Clients may also argue that sending debt collection letters to Plaintiff after the debt was settled was a bona fide error that bars any liability under the FDCPA. The FDCPA includes a bona fide error affirmative defense which states that “a debt collector may not be held liable in any action brought under this subchapter if the debt collector shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.” 15 U.S.C. § 1692k(c); See also *Csircsu v. Williams & Fudge*, No. 15-13808, 2017 WL 345657 (E.D. Mich. Jan. 24, 2017). Depending on whether Clients unintentionally violated the FDCPA by inadvertently sending letters attempting to collect a debt that was extinguished and had procedures in place reasonably adapted to avoid such a

Article III Standing Memorandum

mistake, Clients may be able to avoid FDCPA liability.

CONCLUSION

Plaintiff likely has standing to sue under the FDCPA in this instance, and can plausibly rely on the Sixth Circuit's broad conveyance of standing outlined in *Buchholz*. Clients may have some arguments against Article III standing on the grounds that the alleged injury occurred only accidentally and after debts were paid and that there was no concrete injury-in-fact. Even so, skirting the *Buchholz* exception allowing for Article III standing in FDCPA cases where an individual is "being subjected to attempts to collect debts not owed" will be a difficult hurdle to overcome. In order to do so, Clients may need to adequately respond on the merits, and could possibly utilize the FDCPA § 1692k(c) bona fide error affirmative defense to dispute any alleged liability.

Applicant Details

First Name	Jack		
Last Name	Weisbeck		
Citizenship Status	U. S. Citizen		
Email Address	jackweis@buffalo.edu		
Address	<table> <tr> <th>Address</th> </tr> <tr> <td> Street 916 Delaware Avenue, Apartment 5C City Buffalo State/Territory New York Zip 14209 Country United States </td> </tr> </table>	Address	Street 916 Delaware Avenue, Apartment 5C City Buffalo State/Territory New York Zip 14209 Country United States
Address			
Street 916 Delaware Avenue, Apartment 5C City Buffalo State/Territory New York Zip 14209 Country United States			
Contact Phone Number	5854892982		

Applicant Education

BA/BS From	Bucknell University
Date of BA/BS	December 2020
JD/LLB From	University at Buffalo Law School, The State University of New York (SUNY) https://www.law.buffalo.edu/
Date of JD/LLB	May 19, 2024
Class Rank	5%
Law Review/Journal	Yes
Journal(s)	Buffalo Law Review
Moot Court Experience	Yes
Moot Court Name(s)	Philip C. Jessup International Law Moot Court Competition

Bar Admission

Prior Judicial Experience

Judicial Internships/
Externships **No**
Post-graduate
Judicial Law Clerk **No**

Specialized Work Experience

Recommenders

Steilen, Matthew
mjsteile@buffalo.edu
(716) 645-7918

Semet, Amy
amysemet@buffalo.edu

McDuff, Angelyn
angelynd@buffalo.edu

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Jack Weisbeck

916 Delaware Avenue – Apt. 5C
Buffalo, NY 14209
(585) 489-2982
jackweis@buffalo.edu

June 12, 2023

Honorable Jamar K. Walker
United States District Judge for the Eastern District of Virginia
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge Walker,

I am a rising 3L from the University at Buffalo School of Law, and I am excited to apply for a post-graduate clerkship in your chambers. I will make an immediate contribution to your chambers because I have experience with issues that come before federal courts. I worked on criminal, appellate, civil asset forfeiture, civil rights, and employment discrimination cases as a law clerk with the U.S. Attorney's Office for the Western District of New York. While externing with the JustCause Federal Pro Se Assistance Program, I helped plaintiffs comply with the Federal Rules of Civil Procedure. I have been working on a complex class action litigation matter during my first few weeks as a summer associate at Hodgson Russ, LLP. Additionally, I wrote a seminar paper on a possible right to education in the Ninth Amendment, and I wrote about student athlete First Amendment rights for my law review publication competition.

I will make a positive impact in your chambers because of my teamwork abilities. During college, I was selected from a nationwide pool of applicants to participate in the Horizons Huntsman Leadership Summit. There, I learned how to use my strengths to maximize the success of the groups that I work with. I implemented these teamwork abilities on the executive board of my fraternity, where I worked with four others to oversee a group of 95-100 active members. As a team, we navigated the beginning of the COVID-19 pandemic. Further, I used my teamwork abilities as an assistant captain of the Bucknell Club Hockey Team, where I ensured that my teammates were calm and confident in stressful situations. My teamwork abilities will allow me to collaborate with chambers staff to produce quality work, even under stressful conditions.

I plan to use what I learn in a clerkship to advocate for free speech and free expression rights. Through a clerkship, I would like to continue to grow as a writer and develop a network of talented mentors who I can learn from throughout my practice of law. It would be an honor to have the opportunity to learn from you as I begin my legal career. Thank you for your time and consideration.

Very Respectfully,

Jack Weisbeck
Enc.

References

Professor Matthew Steilen – Constitutional Law and Federal Courts Professor
724 O'Brian Hall, North Campus
Buffalo, NY 14260
716-645-8966
mjsteile@buffalo.edu

Associate Professor Amy Semet – Civil Procedure Professor
522 O'Brian Hall, North Campus
Buffalo, NY 14260
716-645-8162
amysemet@buffalo.edu

Lecturer in Law Angelyn McDuff – Legal Analysis, Writing, and Research Professor
722 O'Brian Hall, North Campus
Buffalo, NY 14260
716-645-8182
angelynd@buffalo.edu

Assistant United States Attorney Grace Carducci
100 State Street
Rochester, NY 14614
585-263-6760
Grace.Carducci@usdoj.gov

Assistant United States Attorney Kyle Rossi
100 State Street
Rochester, NY 14614
585-263-6760
Kyle.Rossi@usdoj.gov

Jack Weisbeck

Buffalo, NY | 1-585-489-2982 | jackweis@buffalo.edu

Education

UNIVERSITY AT BUFFALO SCHOOL OF LAW

Juris Doctor expected 2024

GPA: 3.9, Top 5%

Articles Editor on the *Buffalo Law Review*

Competed with the UB Jessup Moot Court Team at the New York Regional

- Awards: 16th Best Oralist (out of 62); 6th Best Written Team Submission (out of 17)
- Vice President of the UB Jessup Moot Court Board

CALI Award recipient: earned the highest grade in Constitutional Law II

Torts Teaching Assistant Fall 2023

BUCKNELL UNIVERSITY

Bachelor of Arts, *cum laude*, December 2020

Major: Economics | GPA: 3.5

Sigma Chi Horizon's Leadership Summit: selected to spend a week learning and practicing different leadership styles.

Sigma Chi Fraternity Executive Board Member

Political Economy Teaching Assistant Fall 2019

Legal Experience

SUMMER ASSOCIATE | HODGSON RUSS LLP | SUMMER 2023

- Working on a wide variety of legal matters at an AmLaw 200 Firm in Buffalo, NY.

RESEARCH ASSISTANT | PROFESSOR CHRISTINE P. BARTHOLOMEW | SUMMER 2023

- Performing advanced research on civil procedure and antitrust law.
- Making grammatical and stylistic edits to academic articles in preparation for their submission.

EXTERN | JUSTCAUSE | SPRING SEMESTER 2023

- Assisted plaintiffs in the Federal Pro Se Assistance Program in Rochester, NY.
- Gained valuable experience with federal court procedures and client communications.
- Assisted prospective clients on the Tenant Defense Project Hotline.

LAW CLERK | U.S. ATTORNEY'S OFFICE FOR THE WESTERN DISTRICT OF N.Y. | SUMMER 2022

- Performed legal writing and research tasks for Assistant U.S. Attorneys in preparation for trials, motions, and appeals.
- Drafted a portion of a motion for summary judgment in a § 1983 action, which was submitted under my name.
- Drafted a motion in opposition to a sentencing appeal to be argued before the Second Circuit.
- Participated in a summer law clerk moot court where I argued on behalf of the government at a fictional detention hearing.

OFFICE ASSISTANT | LEGAL AID SOCIETY OF ROCHESTER | JULY 2016 – JANUARY 2022

- Assisted in implementation of an online document storage system.
- Gathered evidence and made home visits to assist attorneys in the Attorney for the Child Unit.

INTERN | MONROE COUNTY DISTRICT ATTORNEY'S OFFICE | SUMMER 2018

- Assisted attorneys by preparing discovery, monitoring police footage, and transcribing interviews for case preparation.

Interests

HORTICULTURE: GALLEA'S GREENHOUSE AND FLORIST | APRIL 2016 – PRESENT

- Assisting customers with landscaping needs.

ICE HOCKEY: TREASURER + ASSISTANT CAPTAIN | BUCKNELL CLUB HOCKEY | 2017 - 2021

- Assisted with organization of donations for annual Breast Cancer Awareness Game.

FISHING + BOATING: SOUTH BAY BOAT AND TACKLE | SUMMER 2019

- Gave safety, navigational, and operational presentations to boat renters.

Law School UNOFFICIAL Transcript

Name: Weisbeck, Jack William

Student ID: 5022-8921

Date Issued: 06/08/2023

Beginning of LAW SCHOOL Record

Fall 2021

Program: Law JD
Plan: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 500TUT	Legal Profession	0.000	0.000		0.000
LAW 503LEC	Contracts	4.000	4.000	A-	14.680
LAW 505LEC	Criminal Law	4.000	4.000	A	16.000
LAW 509LEC	Torts	4.000	4.000	A-	14.680
LAW 515LEC	Legal Analys, Writing & Res I	4.000	4.000	A	16.000

			Attempted	Earned	GPA Units	Points
Term GPA	3.835	Term Totals	16.000	16.000	16.000	61.360
Cum GPA	3.835	Cum Totals	16.000	16.000	16.000	61.360

Spr 2022

Program: Law JD
Plan: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 500TUT	Legal Profession	1.000	1.000	S	0.000
LAW 501LEC	Civil Procedure	4.000	4.000	A	16.000
LAW 507LEC	Property	4.000	4.000	A	16.000
LAW 511LEC	Constitutional Law 1	4.000	4.000	A	16.000
LAW 516LEC	Legal Analys, Writing & Res II	3.000	3.000	A	12.000

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	16.000	16.000	15.000	60.000
Cum GPA	3.915	Cum Totals	32.000	32.000	31.000	121.360

Fall 2022

Program: Law JD
Plan: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 564LEC	Legal Ethics and Pro Respon	3.000	3.000	A	12.000

Course	Description	Attempted	Earned	Grade	Points
LAW 612LEC	Constitutional Law 2	3.000	3.000	A	12.000
LAW 632SEM	Academic Legal Writing I	1.000	1.000	S	0.000
LAW 639SEM	9th Amendment	3.000	3.000	A	12.000
LAW 654LEC	Business Associations	3.000	3.000	A	12.000
LAW 841LEC	Int'l Legal Advocacy	3.000	3.000	A	12.000

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	16.000	16.000	15.000	60.000
Cum GPA	3.943	Cum Totals	48.000	48.000	46.000	181.360

Spr 2023

Program: Law JD
Plan: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 529LEC	Contemplative Practice	3.000	3.000	S	0.000
LAW 600LEC	Federal Courts	3.000	3.000	A-	11.001
LAW 613LEC	Evidence	4.000	4.000	A-	14.668
LAW 633SEM	Academic Legal Writing II	2.000	2.000	S	0.000
LAW 791TUT	Externship	3.000	3.000	S	0.000
LAW 794TUT	Externship Seminar	1.000	1.000	A	4.000

			Attempted	Earned	GPA Units	Points
Term GPA	3.709	Term Totals	16.000	16.000	8.000	29.669
Cum GPA	3.908	Cum Totals	64.000	64.000	54.000	211.029

Fall 2023

Program: Law JD
Plan: Law

Course	Description	Attempted	Earned	Grade	Points
LAW 517LEC	Advanced LAWR	3.000	0.000		0.000
LAW 604LEC	Sports Law	3.000	0.000		0.000
LAW 610LEC	Criminal Pro: Investigation	3.000	0.000		0.000
LAW 810TUT	Faculty Assistantship	3.000	0.000		0.000

			Attempted	Earned	GPA Units	Points
Term GPA	0.000	Term Totals	12.000	0.000	0.000	0.000
Cum GPA	3.908	Cum Totals	76.000	64.000	54.000	211.029

Law School UNOFFICIAL Transcript

Name: Weisbeck, Jack William
Student ID: 5022-8921

Law School Career Totals

			<u>Attempted</u>	<u>Earned</u>	<u>GPA Units</u>	<u>Points</u>
Cum GPA:	3.908	Cum Totals	76.000	64.000	54.000	211.029

End of Law School Record

June 13, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

Jack Weisbeck has asked me to recommend him for a clerkship in your chambers. Jack is an extraordinary candidate. His cumulative GPA of 3.92 possibly makes him the top student in his class. (We don't publish a rank, but the registrar does tell students if they are in the top 5%; faculty see the GPAs of the top graduating students, and I can report that in some years there isn't a single student with a GPA that high.) Among faculty here Jack is known for 'blowing the top off' the class curve, racking up far more points than any other student.

The writing sample shows why. Jack writes with clarity about complex issues. His memo on Name-Image-Likeness rules for student athletes gives the clearest framing of the doctrinal muddle on commercial speech that I have seen in some time. I think it's likely we will soon see a judicial opinion, along these lines, that forces universities to reconceive their "vice" industry restrictions on the student sale of name, image, and likeness. Jack points out how those restrictions are out-of-step with the handling of "vice" speech in commercial speech doctrine itself. The comparison to the Tinker standard for school speech is also persuasive, as it is very difficult to imagine sustaining a university policy that, for example, forbade student speech about gambling. The memo gives the impression of the issue being simple, but in fact it's complex and this is a mark of effective legal writing.

Jack's been a leader in the law school as well. He is articles editor on the law review. In the Jessup Moot Court (the world's largest) his team made it to a quarterfinal bracket with Columbia, Harvard, and Yale, and Jack was judged the 16th best oralist in the entire competition. I'm not surprised by any of this. In my classes Jack was always engaged and thoughtful. He has a lovely demeanor and is well-liked by his classmates.

Jack Weisbeck is distinguished among his classmates here at UB and is an excellent candidate for federal clerkship. I hope you will give him a close look.

Sincerely,

Matthew Steilen
Professor of Law
University at Buffalo School of Law
State University of New York

Matthew Steilen - mjsteile@buffalo.edu - (716) 645-7918



June 6, 2023

Re: Clerkship Recommendation for Jack Weisbeck

Dear Judge:

I am writing to strongly support Jack Weisbeck's application for a federal clerkship with your chambers. I am currently an Associate Professor of Law and affiliated professor in the political science department at the University of Buffalo School of Law, State University of New York. I teach property, civil procedure, patent law, and intellectual property law. I clerked for Judge Paul Michel at the United States Court of Appeals for the Federal Circuit and am thrilled that Jack decided to apply for clerkships.

I was Jack's professor for civil procedure law while he was a student at the University of Buffalo School of Law, State University of New York during Spring 2022. Jack is an excellent student who would truly be a great clerk. He is one of our school's top students (top 5%) and is on scholarship at UB. Jack received the highest grade in the class (A) in civil procedure law, doing well in the midterms, final exam and other assessments. He consistently got the highest grade on every assessment, and his overall grade (95) was the highest in the class of over 80 students. Jack is also a very good writer. He was always prepared for class, and even read more than the assigned readings in the textbook. I forgot that I did not assign some of the notes to a case, and called on Jack that day; Jack was well versed in the material and answered all my questions, before another student chimed in noting that the material was not assigned. Jack's great performance in class led to him being asked to be a teaching assistant next year for a torts class. Teaching assistants receive academic credit, and are selected based both on their knowledge of their material and their ability to be a role model for 1Ls. I am sure Jack will do a great job in the role.

Jack is active in many student organizations which demonstrate his tremendous time management and teamwork skills. He was selected through a competitive exercise for the *Buffalo Law Review*, where he serves as the Articles Editor. In addition, while keeping up with law review and his grades, he somehow found the time to also participate and travel to the New York regional competition for the Jessup Moot Court Competition, where he received the award for 6th best written team brief (out of 17 teams), and 16th best oralist (out of 62 participants).

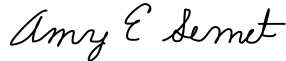
Further, many of Jack's prior positions equip him with skills that might be similar to that of a clerk. This summer, he is interning at Hodgson Russ LLP, the most prestigious law firm in Buffalo, and he is also serving as a research assistant for Professor Christine Bartholomew, an antitrust, class action, and civil procedure scholar here at UB. Jack interned with the United States Attorney's Office for the Western District of New York in Summer 2022, and thus gained the experience of what it is like working for the federal government in a diverse array of subject matters. His experience there gave him the opportunity to put his civil procedure knowledge to work drafting motions and appellate briefs.

Amy Semet
Associate Professor of Law
Affiliated Professor in Political Science
University of Buffalo School of Law
State University of New York
John Lord O'Brien Hall, Buffalo, NY 14260-1100
215-767-0041
amysemet@buffalo.edu
<http://www.amysemet.com>

Even before entering law school, Jack worked on legal matters. From 2016 to the middle of his 1L year, he worked as an office assistant at the Legal Aid Society of Rochester, where he received exposure to a wide variety of cases in service to our community. During one of the summers while he was a student at Bucknell University, Jack interned at the Monroe County District Attorney's Office, where he gained experience seeing how criminal cases operate. In all, given that he is still in law school, Jack has substantial experience in both civil and criminal cases, and is well equipped with knowing the nuances of civil procedure so as to be an asset to your chambers.

A federal clerkship would give Jack the chance to work closely with a judge to hone his legal skills, and to intimately know the nuances of the law that one can best pick up as a clerk. As one of UB's top students, Jack is eminently academically qualified. In addition, and perhaps most importantly, he would make a great colleague and team player, and be a tremendous asset to your chambers given his diligence and attention to detail as well as command of legal rules. Please feel free to contact me at amysemet@buffalo.edu or call me at 215-767-0041 if you have any questions about Jack.

Sincerely,



Amy Semet
Associate Professor of Law
University of Buffalo School of Law
State University of New York

June 14, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I had the pleasure of teaching Jack Weisbeck during his entire first year at the University at Buffalo School of Law, and it is with great enthusiasm that I write to recommend him for your law clerk position. Mr. Weisbeck was a student in my Legal Analysis, Writing, and Research (LAWR) course. During that course, he demonstrated diligence, an ability to incorporate feedback, and strong research and writing skills that will make him an exceptional law clerk.

Mr. Weisbeck outshines his peers in the diligence with which he approaches the development of his legal writing skills. However, Mr. Weisbeck did not focus specifically on one skill as many students do. Instead, he took advantage of extra opportunities to practice citation, grammar, legal research, and numerous other skills. Then, over the course of his first year, he incorporated the feedback he had received in each of these areas to create a truly impressive final brief for LAWR. After receiving feedback on his final brief, Mr. Weisbeck scheduled a meeting with me to review that feedback, demonstrating a continued commitment to improving his legal writing skills even after the school year had ended. Mr. Weisbeck's persistence in continuing to improve his legal writing skills, and his ability to implement feedback will make him an industrious law clerk.

During his first year, Mr. Weisbeck grew into a strong legal researcher with exceptional analytical abilities. The assignments Mr. Weisbeck completed for me during LAWR included topics in criminal law, copyright law, and tort law. Mr. Weisbeck's research consistently uncovered sources that allowed him to fully explore the bounds of the complex legal issues he was tasked with researching. Mr. Weisbeck's ability to analyze and research complex issues across legal disciplines makes him particularly well-suited to engage in the legal discourse of a skillful law clerk.

Mr. Weisbeck's professional demeanor also sets him apart from his peers. Every interaction I have had with Mr. Weisbeck throughout his law school career has been professional and respectful. During the many group exercises I had students complete, Mr. Weisbeck's groupmates sung his praises as a team player who was always well-prepared and easy to work with. These skills will make him a cooperative and professional addition to your staff.

Mr. Weisbeck has all the necessary skills to be an exceptional law clerk. Accordingly, it is without reservation that I recommend Jack Weisbeck for your law clerk position. I would be happy to discuss his qualifications further and can be reached at angelynd@buffalo.edu and 716-645-8182.

Sincerely,

Angelyn McDuff
Lecturer in Law, Legal Analysis, Writing and Research
Director of the LAWR Program

Angelyn McDuff - angelynd@buffalo.edu

Jack Weisbeck

916 Delaware Avenue – Apt. 5C

Buffalo, NY 14209

(585) 489-2982

jackweis@buffalo.edu

Writing Sample

The attached writing sample is a section of my Note and Comment Article drafted for the *Buffalo Law Review* publication competition. The remainder of my Article has been omitted for brevity. My thesis was that name, image, and likeness (NIL) laws for student athletes largely violate the First Amendment and could lead to a chilling of political speech on campus. The NCAA has long required that participating athletes maintain amateurism status, which limited their financial potential. A recent Supreme Court decision, *NCAA v. Alston*, prevented the NCAA from enforcing portions of its amateurism policy on antitrust grounds. Student athletes now have greater rights to their own publicity, allowing them to receive money in exchange for the use of their NIL. At this point, there is no federal NIL regulation, and the NCAA has ceded the ability to regulate NIL to states and individual colleges. Generally, most state and college level policies include bans on student athletes using their NIL to endorse traditional vice industries and any product or service that a college deems to go against its values. I argue that these policies are not only violative of the First Amendment, but they chill political speech of student athletes. They also could provide harmful legal and social precedents for future restrictions on free speech. While my Article was not chosen for publication, it was one of the ten finalists from my associate class. As per the rules of the Buffalo Law Review Note and Comment Competition, I received no outside assistance with my writing. The remainder of my Article can happily be submitted upon request.

2. Government Imposed NIL Policies that Prohibit Defined Categories of Speech are Unconstitutional.

Vice industry restrictions violate the First Amendment because they are content based restrictions on speech that do not meet strict scrutiny. Additionally, these restrictions cannot be justified under the commercial speech doctrine.

a. Content Based or Content Neutral

The First Amendment prevents the government from restricting speech based on its content.¹ Content based restrictions receive the highest scrutiny.² A restriction on speech is content based when the restriction draws distinctions based on the subject matter, or message, that a speaker chooses to convey.³ This heightened scrutiny applies even when the content that the government seeks to restrict is distasteful.⁴

In contrast, a content neutral restriction on speech is subject to a lower level of scrutiny.⁵ Content neutral restrictions can be justified as time, place, and manner restrictions.⁶ When the

¹ U.S. CONST. amend. I (“Congress shall make no law . . . abridging the freedom of speech”); *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992); *see also* *Cantwell v. Connecticut*, 310 U.S. 296, 307 (1940) (reasoning that the First Amendment prevents a state government from issuing a license to engage in First Amendment activities based on the state’s determination of what is a worthy cause); *Texas v. Johnson*, 491 U.S. 397, 404 (1989) (quoting *U.S. v. O’Brien* 391 U.S. 367, 376, 409 (1968)) (reasoning that the First Amendment freedom of speech covers any conduct that intends to express an idea through elements of communication).

² *See, e.g.,* *City of Austin v. Reagan Nat. Advert., LLC*, 142 S. Ct. 1464, 1471 (2022) (stating that content based restrictions receive strict scrutiny); *Reed v. Town of Gilbert*, 576 U.S. 155, 171 (2015) (stating that strict scrutiny requires that the government prove that the restriction furthers a compelling interest, and that the restriction is narrowly tailored to that interest).

³ *See, e.g., Reed*, 576 U.S. at 164 (reasoning that a town engaged in a content based restriction by treating temporary directional signs, political signs, and ideological signs differently because of the messages that were being conveyed).

⁴ *See, e.g., Matal v. Tam*, 137 U.S. 1744, 1763 (2017) (applying this rule to a provision in the Lanham Act, which prohibited the government from registering trademarks that it deems offensive); *Johnson*, 491 U.S. at 414 (“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”).

⁵ *See, e.g., Turner Broad. Sys., v. F.C.C.*, 520 U.S. 180, 189 (1997) (citing *United States v. O’Brien* 391 U.S. 367, 377 (1996)) (stating that content neutral restrictions are permitted under the First Amendment when it advances an important government interest, other than the suppression of speech, and it does not burden more speech than necessary to achieve the important government interest);

⁶ *See* *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41, 47–49 (1986) (reasoning that a city ordinance restricting the placement of adult entertainment theaters was an allowable time, place, and manner restriction because the ordinance is not primarily aimed at the content of the films, but rather at the secondary effects of such theaters in the community, and there were reasonable alternative locations for the theaters). *Playtime Theaters* is a

government restricts speech because of a disagreement with the message being conveyed, it is a content based restriction, not a content neutral restriction.⁷

Here, vice industry restrictions are content based because they treat vice industries differently than other subject matters.⁸ Accordingly, strict scrutiny will apply.⁹ Government entities imposing vice industry restrictions cannot meet strict scrutiny because they do not have a compelling interest to protect. They cannot claim to be protecting college students from vice industries because *in loco parentis* does not apply.¹⁰ Additionally, courts have not found a compelling state interest in protecting the government's reputation.

Even if the government had a compelling interest, the interest is not narrowly tailored because it is underinclusive.¹¹ If colleges did not want to encourage vice industries, they would restrict all students from promoting them, not just student athletes.¹² Additionally, if colleges wanted to avoid the embarrassment of a connection with vice industries, they would not seek

principal case for the Secondary Effects Doctrine. This limited doctrine gives the government some ways to restrict speech when it seeks to regulate the secondary effects of speech, not the speech itself. This doctrine is mostly used to prohibit sexual displays. *See id.*; *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425, 442–43 (2002) (restricting adult entertainment stores based on their harmful secondary effects); *City of Erie v. Pap's A.M.*, 529 U.S. 277, 298–302 (2000) (restricting nude dancing based on its harmful secondary effects). The secondary effects doctrine is limited because its reasoning is inconsistent with other First Amendment cases. For example, the government cannot restrict offensive speech because it wants to limit the secondary effects of hearing offensive terms. *See Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989); *Turner Broad. Sys.*, 520 U.S. at 189. If the Secondary Effects Doctrine extends beyond sexual displays, it runs the risk of swallowing the First Amendment.⁷ *See, e.g., Ward*, 491 U.S. at 791 (1989) (“[t]he principal inquiry in determining content neutrality . . . is whether the government has adopted a regulation of speech because of disagreement with the message it conveys”); *Turner Broad. Sys.*, 512 U.S. at 642; *R.A.V.*, 505 U.S. at 386 (“The government may not regulate [speech or expression] based on hostility – or favoritism – towards the underlying message expressed”).

⁸ *See Reed v. Town of Gilbert*, 576 U.S. 155, 169 (2015). For example, under most vice industry restrictions, a student athlete is free to use their NIL to endorse a video game, but once the content of that video game includes a way for players to gamble real money, the endorsement becomes unlawful.

⁹ *Id.* at 171.

¹⁰ *See infra* Part III(B)(2).

¹¹ *See Reed*, 576 U.S. at 171–72 (reasoning that a content based ordinance restricting certain signs for safety concerns was underinclusive because signs are not more or less safe due to their content).

¹² *See id.*

their own partnerships with the same industries.¹³ Thus, vice industry restrictions are unconstitutional content based restrictions.

b. Commercial Speech

If the government restricts commercial speech based on its content, it is subject to a slightly more intermediate standard of review.¹⁴ Importantly, speech does not lose its First Amendment protections just because money was paid in exchange for that speech.¹⁵ Thus, paid advertisements receive First Amendment protections.¹⁶ Typically, the only allowable restrictions on commercial speech are bans on advertisements that a business knows to be misleading,¹⁷ or knows to be inciting illegal conduct.¹⁸

In *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*, the Supreme Court articulated a test for restrictions on commercial speech.¹⁹ First, courts determine whether the speech is protected by the First Amendment.²⁰ Next, courts determine whether the asserted government interest is substantial.²¹ Finally, if necessary, courts determine whether the restriction directly advances the government interest, and whether it is over restrictive in advancing that interest.²²

¹³ See Laine Higgins, *The Bar Is Now Open at More College Football Stadiums*, THE WALL ST. J. (Sept. 16, 2021, 10:00 AM), <https://www.wsj.com/articles/college-football-beer-gambling-cannabis-sponsorships-11631759264>.

¹⁴ See *U.S. v. Edge Broad. Co.*, 509 U.S. 418, 426 (1993) (stating that commercial speech receives slightly less protection than other constitutionally protected speech); *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 762, 769–70 (1976) (extending First Amendment protections to commercial speech, and reasoning that consumers can remove misleading advertisements more effectively than the government).

¹⁵ See *Va. State Bd. of Pharmacy*, 425 U.S. at 761.

¹⁶ See *id.*

¹⁷ See *U.S. v. Philip Morris USA, Inc.*, 556 F.3d 1095, 1125–26 (D.C. Cir. 2009) (reasoning that a cigarette manufacturer misleads the public by labeling certain cigarettes “light cigarettes”).

¹⁸ *Pittsburgh Press Co. v. Pittsburgh Comm’n on Human Rels.*, 413 U.S. 376, 388 (1973) (reasoning that the government can ban advertisements that facilitate illegal employment discrimination).

¹⁹ *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n*, 447 U.S. 557, 566 (1980).

²⁰ *Id.* (stating that commercial speech is protected by the First Amendment when it concerns lawful activity and is not misleading).

²¹ *Id.*

²² *Id.*

Central Hudson does not provide adequate justification for vice industry restrictions.

First, the First Amendment protects commercial speech.²³ Second, the government has no substantial interest in preventing this speech: student athletes are legal adults who are allowed to endorse a product that is legal for them to access in certain contexts.²⁴ Third, even if there was a substantial interest in preventing student athletes from endorsing vice industries, vice industry restrictions are over restrictive because they are not narrowly tailored.²⁵ Student athletes are still free to endorse other harmful products, such as fast food. Additionally, vice industry restrictions do not advance any government interest because they apply only to student athletes; others on campus are free to endorse vice industries. Thus, *Central Hudson* does not allow the imposition of vice industry restrictions.²⁶

In the past, courts understood that advertisements for vice industries were outside of the protections afforded to commercial speech.²⁷ However, this exception for restrictions on vice industries has been eliminated.²⁸ Currently, courts do not allow the government to prohibit advertisements for activities that are lawful in certain contexts.²⁹ Accordingly, the legality of

²³ See *id.*

²⁴ See generally *Lorillard Tobacco Co. v. Reilly*, 553 U.S. 525 (2001) (holding that the government interest in restricting vice industry advertisements becomes substantial if cigarettes are being marketed to children).

²⁵ See *Central Hudson*, 447 U.S. at 565.

²⁶ See *id.*

²⁷ See *Posadas de P.R. Assoc. v. Tourism Co. of P.R.*, 478 U.S. 328, 341–43 (1986) (using the *Central Hudson* test to hold that Puerto Rico could restrict advertisements for casino gambling because reducing demand for casino gambling to promote the health, safety, and welfare of its citizens was a substantial government interest); *U.S. v. Edge Broad. Co.*, 509 U.S. 418, 426 (1993) (using the *Central Hudson* test to uphold federal laws restricting advertisements for lotteries in non-lottery states because the underlying industry – gambling – was a vice industry).

²⁸ See 44 *Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 514 (1996) (stating that restrictions on advertisements for vice industries do not get a more lenient standard than the one in *Central Hudson*); *Greater New Orleans Broad. Ass’n, Inc. v. United States*, 527 U.S. 173, 195–96 (1999) (stating that restrictions on advertisements for gambling are subject to a standard *Central Hudson* analysis); *Lorillard Tobacco Co.*, 553 U.S. at 566 (stating that restrictions on advertisements for tobacco are subject to a standard *Central Hudson* analysis). But see *Coyote Pub., Inc. v. Miller*, 598 F.3d 592, 604–06 (9th Cir. 2010) (reasoning that advertisements for prostitution should be treated differently than advertisements for other vice industries because the “vice” at issue is not sex but the sale of sex, and because prostitution is prohibited by every state except Nevada).

²⁹ See 44 *Liquormart, Inc.*, 517 U.S. at 514 (stating that a vice label without a prohibition against the commercial behavior at issue does not provide a justification for the regulation of commercial speech surrounding that behavior). The Court is concerned that the vice exception could swallow the First Amendment because allowing any activity

vice industries, such as alcohol, tobacco, marijuana, and gambling, in certain contexts, excludes them from any vice industry exception that might remain in the commercial speech doctrine.³⁰

It may be argued that vice industry restrictions should not be assessed as restrictions on commercial speech, but rather as a college protecting its students from vice industries. However, this reasoning is incorrect. Schools may only restrict off-campus speech if the speech has a strong nexus to the school's duty to protect the student body.³¹ Restrictions on off-campus speech – such as NIL policies – still must comply with *Tinker*.³² In *Morse v. Frederick*, the Supreme Court held that *Tinker* allowed a school to restrict off-campus speech that promoted drug use.³³ While K-12 schools have a compelling interest in preventing student speech that glamorizes drug use at an off-campus event, colleges and universities do not.³⁴ The Court in *Morse* is influenced by *in loco parentis*,³⁵ a common law doctrine where parents delegate some

that could threaten public health or morals to be labeled as a vice activity could be a pretext for censorship. Further, the Court reasons that products such as alcoholic beverages, lottery tickets, and playing cards do not fall under the vice exception because they can be lawfully purchased on the open market. *See id.*

³⁰ *See id.*

³¹ *Kowalski v. Berkeley Cnty. Schs.*, 652 F.3d 565, 577 (4th Cir. 2011) (reasoning that a student creating a webpage to make fun of another student had a sufficient nexus with the school); *Battacharya v. Murray*, 515 F. Supp. 3d 436, 454 (W.D. Va. 2021) (applying the *Kowalski* test to a public university).

³² *See Morse v. Frederick*, 551 U.S. 393 (2007); *Tinker v. Des. Moines Indep. Sch. Dist.*, 393 U.S. 503, 514 (stating that K-12 schools can restrict speech that causes a substantial disruption or materially interferes with school activities); *Healy v. James*, 408 U.S. 169, 189 (1972) (applying *Tinker* to public colleges). NIL endorsement deals are off-campus speech because they occur away from educational settings, during the student athlete's free time. *See B.L. v. Mahoney Area Sch. Dist.* 964 F.3d 170, 189 (3d Cir. 2020) (stating that off-campus speech is, "speech that is outside school-owned, -operated, or -supervised channels and that is not reasonably interpreted as bearing the school's imprimatur.").

³³ *Morse*, 551 U.S. at 408 (reasoning that *Tinker* allowed a student suspension because of the risks of high school students engaging in drug use; the emphasis that Congress had placed on drug-prevention programs in the K-12 setting; and the emphasis placed by thousands of school boards on educational programs to prevent drug use).

³⁴ *See Dixon v. Ala. State Bd. of Ed.*, 294 F.2d 150, 158 (5th Cir. 1961).

³⁵ *Id.* at 407–08.

parental authority to the school system.³⁶ *In loco parentis* no longer extends to institutions of higher education.³⁷

Additionally, the Court is generally skeptical of off-campus restrictions on speech.³⁸ While *Tinker* allows schools to restrict speech to prevent a substantial disruption,³⁹ the Court in *Mahoney* stated that this interest diminishes in off-campus speech.⁴⁰ A school's regulatory interests in restricting off-campus speech are implicated by bullying, threats, work on academic assignments, use of computers, participation in online activities, and breaches of security.⁴¹ None of these interests are present with NIL policies.⁴² Additionally, courts will be skeptical of off-campus speech restrictions because – when coupled with a similar on-campus restriction – they represent a 24/7 restriction on that speech, which leaves no reasonable alternatives.⁴³ A reasonable alternative is a key feature of a permissible restriction on speech.⁴⁴

Furthermore, a court would surely look to the fact that many schools are promoting vice industries for their own financial benefits while restricting their student athletes from doing the

³⁶ See 1 W. Blackstone, Commentaries on the Laws of England 441 (1765) (“[A parent] may also delegate part of his parental authority, during his life, to the tutor or schoolmaster of his child; who is then *in loco parentis*”); *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 682 (1986) (stating that First Amendment rights of students in schools do not extend as far as First Amendment rights enjoyed by adults in other settings); *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 266 (1988) (stating that First Amendment rights of students must be “applied in light of the special characteristics of the school environment”) (citing *Tinker*, 393 U.S. at 506).

³⁷ See *Dixon*, 294 F.2d at 158 (reasoning that expulsion from a public university must be governed by the Constitution and not any other justification, such as *in loco parentis*); See generally Martha Craig Daughtrey, *Women and the Constitution: Where We Are at the End of the Century*, 75 N.Y.U. L. REV. 1, 15 (2000) (explaining a challenge to a university curfew for female students that was implemented in the name of student safety, an *in loco parentis* justification. Such curfews have been eliminated in today's universities).

³⁸ See *Mahoney Area Sch. Dist. v. B.L.*, 141 S. Ct. 2038, 2045 (2021).

³⁹ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 513 (1969).

⁴⁰ *Mahoney*, 141 S. Ct. at 2045. This is a recently decided case involving a high school student who successfully challenged her suspension on the grounds that the First Amendment allowed her to use profanity to criticize her school's cheerleading team on social media. While it has not been extended to higher education, the principles that *Mahoney* stands for are applicable to off-campus speech made by student athletes.

⁴¹ *Id.*

⁴² See *Tinker*, 393 U.S. at 513; *Mahoney*, 141 S. Ct. at 2045.

⁴³ *Mahoney*, 141 S. Ct. at 2046.

⁴⁴ See, e.g., *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41, 53–54 (1986).

same.⁴⁵ Accordingly, a college or university cannot justify a vice industry restriction because of an asserted interest in protecting students from vice industries. The *in loco parentis* justification that influenced the Court in *Morse* is not present because vice industry restrictions target college athletes, not high school students.⁴⁶

3. Institutional Values NIL Restrictions Are Unconstitutionally Vague.

The First Amendment prevents restrictions on speech that are unconstitutionally vague.⁴⁷ This void for vagueness doctrine is based upon due process principles:⁴⁸ the law must be sufficiently clear so that people can knowingly comply with the law.⁴⁹ Clarity also prevents arbitrary enforcement.⁵⁰ If a reasonable person cannot understand what is prohibited under a law, the government can enforce it arbitrarily.⁵¹ The fear of arbitrary enforcement will chill speech,

⁴⁵ Higgins, *supra* note 13 (stating that universities are partnering with vice industries, such as alcohol, cannabis, and gambling, to recoup financial losses suffered during the pandemic); Nadir Pearson, *120 of the Best College Courses, Degrees, and Certifications for Cannabis*, LEAFLY (July 13, 2022), <https://www.leafly.com/news/industry/best-cannabis-college-degrees-and-certifications> (explaining which colleges offer the best education in cannabis sale and production); Press Release, Office of Gov. Hochul, Gov. Hochul Announces \$5 Million in Funding to Support the Launch of New and Existing Cannabis Accreditation Programs (July 18, 2022) (announcing a grant for State University of New York (SUNY) schools to create cannabis education programs). Note that despite SUNY's support for cannabis education, student athletes at UB, a SUNY school, are prohibited from endorsing cannabis products. See UNIVERSITY AT BUFFALO, NAME IMAGE AND LIKENESS PILLSARS, https://ubbulls.com/documents/2021/6/30/UB_NIL_Pillars_2023.pdf.

⁴⁶ See *Morse v. Frederick*, 551 U.S. 393, 408 (2007).

⁴⁷ See generally *Coates v. Cincinnati*, 402 U.S. 611 (1971); *Schad v. Borough of Mount Ephraim*, 452 U.S. 61 (1981).

⁴⁸ See, e.g., *Coates*, 402 U.S. at 614–15; *United States v. Williams*, 553 U.S. 285, 304 (2008).

⁴⁹ See *Coates*, 402 U.S. at 614–15. But see *Broadrick v. Oklahoma*, 413 U.S. 601, 607–08 (1972) (reasoning that a state law that prohibited state employees from belonging to a political club, running for office, or managing a political party was not unconstitutionally vague because while there was some uncertainty, it was still clear what activity was prohibited); *Grayned v. City of Rockford*, 408 U.S. 104, 110 (1972) (holding that a noise ordinance, which prohibited “any noise or diversion which disturbs or tends to disturb the peace or good order of such school session or class” was not unconstitutionally vague because it was clear what the ordinance prohibited).

⁵⁰ See *id.* at 108; *Cohen v. California*, 403 U.S. 15, 19 (1971).

⁵¹ See *DA Mortg., Inc. v. City of Miami Beach*, 486 F.3d 1254, 1270–72 (11th Cir. 2007). See generally *Coates*, 402 U.S.; *Reed v. Town of Gilbert*, 576 U.S. 155 (2015).

and society will be made worse off by cheapening the marketplace of ideas.⁵² Furthermore, speech restrictions are unconstitutionally overbroad if they restrict protected speech.⁵³

A restriction is unconstitutionally vague if reasonable people are left to guess at what speech is prohibited.⁵⁴ In *Coates v. City of Cincinnati*, the Supreme Court held that an ordinance prohibiting people from annoying passersby on the sidewalk was unconstitutionally vague because reasonable people would be left to guess at what speech is annoying.⁵⁵ There is no way of knowing what a particular officer enforcing the ordinance will find annoying, allowing for arbitrary enforcement and a chilling of speech.⁵⁶ Additionally, the Court found the Cincinnati ordinance to be overbroad because it would authorize the punishment of constitutionally protected conduct.⁵⁷

Vague speech restrictions in campus speech codes were challenged in the 1990's and 2000's.⁵⁸ Speech codes were struck down when reasonable students were left to guess what speech was prohibited, and when the codes restricted more speech than was necessary to prevent

⁵² See *Schad v. Borough of Mount Ephraim*, 452 U.S. 61, 68 (1981) (holding that a ban on all live entertainment in a borough was overbroad because it would deter protected activities); *Reno v. ACLU*, 521 U.S. 844, 877 (1997) (reasoning that prohibitions on the distribution of material that is “patently offensive” or “indecent” were unconstitutionally vague because they would restrict nonpornographic materials that could have beneficial social value).

⁵³ See *Schad*, 452 U.S. at 68.

⁵⁴ *Coates*, 402 U.S. at 614.

⁵⁵ *Id.* at 611–14.

⁵⁶ See *id.* (reasoning that what will annoy some people will not annoy others).

⁵⁷ *Id.* (reasoning that an arresting officer enforcing this ordinance could prevent an otherwise lawfully conducted protest because he or she found it annoying).

⁵⁸ See generally Azhar Majeed, *Defying the Constitution: The Rise, Persistence, and Prevalence of Campus Speech Codes*, 7 GEO. J.L. & PUB. POL'Y 481, 488–94 (2009) (explaining how almost all speech codes have been struck down as unconstitutionally vague); James R. Bussian, *Anatomy of the Campus Speech Code: An Examination of Prevailing Regulations*, 36 S. TEX. L. REV. 153, 171–73 (1995) (surveying relevant litigation over speech codes); Thomas A. Schweitzer, *Hate Speech on Campus and the First Amendment: Can They Be Reconciled?*, 27 CONN. L. REV. 493 (1995) (discussing arguments for and against campus speech codes from professors and administrators); *What Are Speech Codes*, FOUND. FOR INDIVIDUAL RIGHTS AND EXPRESSION, <https://www.thefire.org/research-learn/what-are-speech-codes#:~:text=Reforming%20College%20Policies,Amendment%20in%20society%20at%20large> (stating that a speech code is any “university regulation or policy that prohibits expression that would be protected by the First Amendment in society at large”, and stating that speech codes typically banned broad topics such as “offensive content” and “disparaging remarks”).

a substantial disruption.⁵⁹ Alternatively, speech codes were upheld when they used established and defined legal terms to describe banned categories of speech.⁶⁰ Furthermore, speech codes were upheld when they provided an aspirational goal to discourage offensive speech without banning it.⁶¹

Many institutional values restrictions are unconstitutionally vague.⁶² For example, the proposed College Athlete Compensatory Rights Act prohibits student athletes from using their NIL to promote any “product or service that is reasonably considered to be inconsistent with the values of an institution.”⁶³ This language likely incorporates the stated institutional values of the student athlete’s college.⁶⁴ Some common institutional values such as discovery, diversity,

⁵⁹ *Doe v. Univ. of Mich.*, 721 F. Supp. 852, 867 (E.D. Mich. 1989) (holding that a ban on language the stigmatized an individual was unconstitutionally overbroad because there was no conceptual distinction between what stigmatized an individual and what did not); *Coll. Republicans at S.F. Univ. v. Reed*, 523 F. Supp. 2d 1005, 1024 (N.D. Cal. 2007) (reasoning that a ban on speech that is not “civil” is unconstitutionally vague because, without a definition of civil, a reasonable student would be left to guess what civil means).

⁶⁰ *Corlett v. Oakland Univ. Bd. of Tr.*, 958 F. Supp. 2d 795, 810 (E.D. Mich. 2013) (holding that a prohibition on speech that intimidated, harassed, or threatened was not unconstitutionally vague because these terms have established legal definitions that allowed students to conform their conduct to the policy); *Reed*, 523 F. Supp. 2d at 1021–22 (reasoning that while terms such as “intimidation” and “harassment” could include protected speech, they are not unconstitutionally vague because they appear in the context of preventing “[c]onduct that threatens or endangers the health or safety of any person”).

⁶¹ *Bair v. Shippensburg Univ.*, 280 F. Supp. 2d 357, 371 (M.D. Pa. 2003) (holding that the non-aspirational components of the speech code were unconstitutionally overbroad because they banned speech that was protected by the First Amendment). An aspirational speech code is a good way for a school to reflect its own institutional values without directly interfering with the First Amendment rights of its students. Unfortunately, NIL restrictions are not aspirational.

⁶² *Infra* Appendices I, II, and III.

⁶³ *Id.*; Collegiate Athlete Compensation Rights Act, S. 4855, 117th Cong. (2022).

⁶⁴ A brief survey of value statements of select universities shows the following: Penn State lists, and very briefly defines, institutional values of integrity, respect, responsibility, discovery, excellence, and community. *The University’s Mission*, PENN STATE OFFICE OF THE EXEC. VICE PRESIDENT AND PROVOST, <https://provost.psu.edu/mission-vision/>. Baylor University lists values such as, “Promot[ing] the health of mind, body, and spirit as these are understood in the Christian tradition and by the best of modern physical and psychological science”. *Core Convictions*, BAYLOR UNIV., <https://about.web.baylor.edu/values-vision/core-convictions>. University of Washington lists the following values without providing any definitions: integrity, diversity, excellence, collaboration, innovation, and respect. *Vision & Values*, UNIV. OF WASH., <https://www.washington.edu/about/visionvalues/>. Howard University lists the following values without providing any definitions: excellence, leadership, service, and truth. *Mission, Vision & Values*, HOWARD UNIV., <https://strategicplan.howard.edu/about/mission-vision-values#:~:text=Excellence%2C%20leadership%2C%20service%2C%20and,issues%20impacting%20the%20Africa%20Diaspora.>

excellence, collaboration, and service would render this statute unconstitutionally vague.⁶⁵ These terms are similar to other guidelines found to be unconstitutionally vague – such as “annoying” and “civil” – because a reasonable student athlete would be left to guess whether a product or service is inconsistent with these values.⁶⁶ Accordingly, protected speech – the ability to enter into NIL deals – would be chilled out of fear of losing athletic eligibility.⁶⁷ A briefly defined values statement does not give sufficient notice because it does not use terms with legally established definitions, or references to a narrowly defined policy goal.⁶⁸

One value stated by Baylor University is an example of a non-vague restriction: “Promot[ing] the health of mind, body, and spirit as these are understood in the Christian tradition and by the best of modern physical and psychological science”.⁶⁹ For example, if a student athlete at Baylor used their NIL to promote an online sports gambling service, there is sufficient context to know that this deal would be inconsistent with Baylor’s values.⁷⁰ The Christian tradition is opposed to gambling;⁷¹ there are harmful, addictive effects of gambling that

⁶⁵ See *Doe v. Univ. of Mich.*, 721 F. Supp. 852, 867 (E.D. Mich. 1989); *Coll. Republicans at S.F. Univ. v. Reed*, 523 F. Supp. 2d 1005, 1024 (N.D. Cal. 2007); *Coates v. Cincinnati*, 402 U.S. 611, 614–15 (1971).

⁶⁶ See *Reed*, 523 F. Supp. 2d at 1024; *Coates*, 402 U.S. at 614–15. A good example would be excellence, which is listed as a value by all four universities that I randomly selected for this exercise. Excellence means different things to different people. Consider this: a student athlete from an impoverished background enters into a lucrative NIL deal with a local financial institution that issues legal, but arguably predatory, payday loans. Reasonable observers could claim that this NIL deal supports excellence because a student athlete, who grew up poor, is now able to use their athletic ability to help their family and achieve upward social mobility. Other reasonable observers could say that the deal with the financial institution does not support excellence because it makes the community worse off by enabling predatory practices. Neither interpretation is necessarily correct; it depends on your definition of excellence. The student athlete would be left to guess at the meaning of excellence as applied to this potential NIL deal.

⁶⁷ See *Reed*, 523 F. Supp. 2d at 1024 (stating that vague speech restrictions chill protected speech).

⁶⁸ See *Corlett v. Oakland Univ. Bd. of Tr.*, 958 F. Supp. 2d 795, 810 (E.D. Mich. 2013); *Coll. Republicans at S.F. Univ. v. Reed*, 523 F. Supp. 2d 1005, 1021–22 (N.D. Cal. 2007).

⁶⁹ *Core Convictions*, *supra* note 64.

⁷⁰ See *Reed*, 523 F. Supp. 2d at 1021–22.

⁷¹ See 1 *Timothy* 6:9–10 (“Those who want to get rich fall into temptation and a trap and into many foolish and harmful desires that plunge people into ruin and destruction. For the love of money is a root of all kinds of evil. Some people, eager for money, have wandered from the faith and pierced themselves with many griefs.”).

have been recognized by modern psychological science.⁷² A Baylor student athlete would not be left to guess what action would be inconsistent with Baylor's values.⁷³ In order for the Collegiate Athlete and Compensatory Rights Act to survive a vagueness challenge, colleges would have to adopt more comprehensive values statements, such as Baylor's, allowing reasonable student athletes to understand how to comply.⁷⁴

Furthermore, New York's NIL policy is unconstitutionally vague. New York prevents student athletes from entering into an endorsement deal that "would reasonably be judged to cause financial loss or reputational damage to the college[.]"⁷⁵ A student athlete would be left to guess about potential financial loss because marketing is an inexact science.⁷⁶ Furthermore, it is difficult to reasonably judge what the reputational damage of an NIL deal would be without further guidance.⁷⁷

The University at Buffalo (UB) NIL policy is also unconstitutionally vague. UB prevents student athletes from using their NIL in any way that is "deemed otherwise damaging to the University's reputation, to be reviewed by university officials."⁷⁸ This policy has a similar

⁷² *Compulsive Gambling*, MAYO CLINIC, <https://www.mayoclinic.org/diseases-conditions/compulsive-gambling/symptoms-causes/syc-20355178>.

⁷³ See *Coates*, 402 U.S. at 614–15.

⁷⁴ See *Corlett v. Oakland Univ. Bd. of Tr.*, 958 F. Supp. 2d 795, 810 (E.D. Mich. 2013); *Coll. Republicans at S.F. Univ. v. Reed*, 523 F. Supp. 2d 1005, 1021–22 (N.D. Cal. 2007).

⁷⁵ N.Y. EDUC. § 6438-a (McKinney 2023).

⁷⁶ See *Coates*, 402 U.S. at 614–15. Note that the reasonableness requirement means that an endorsement deal with a product or service that is facially offensive or ridiculous would not be covered. A reasonable student athlete would know what obviously causes financial harm. The difficulty comes with more realistic endorsement deals where a student athlete would not have the necessary information to comply with the requirement.

⁷⁷ See *id.* The reputation of a college could mean many different things. For example, an NIL deal with a company that markets drinking games could harm the college's academic reputation but enhance the college's social reputation. Conversely, an NIL deal with a company that manufactures graphing calculators could enhance the college's academic reputation while harming the college's social reputation. The student athlete would have to guess what reputational damage means to the state of New York, and subject themselves to arbitrary enforcement because the term "reputational damage" can have different meanings.

⁷⁸ UNIVERSITY AT BUFFALO, NAME IMAGE AND LIKENESS PILLARS, https://ubbulls.com/documents/2021/6/30/UB_NIL_Pillars_2023.pdf.

problem with “reputation”, a term with insufficient context to withstand a vagueness challenge.⁷⁹

Additionally, by imposing a preclearance requirement, a student athlete would be left to guess what an unnamed university official understands to be reputation damaging.⁸⁰ This is a prior restraint, which is presumptively unconstitutional due the substantial risk of chilling protected speech.⁸¹

To varying degrees, NIL institutional values restrictions are unconstitutionally vague because reasonable student athletes are left to guess at what speech is restricted. The confusion will chill student athletes from participating in protected speech. The impact of NIL policies on campus political speech could be drastic.

⁷⁹ See *Coll. Republicans at S.F. Univ. v. Reed*, 523 F. Supp. 2d 1005, 1024 (N.D. Cal. 2007); *Coates*, 402 U.S. at 614–15.

⁸⁰ See generally *Near v. Minnesota*, 283 U.S. 697 (1931); *N.Y. Times v. United States*, 403 U.S. 713 (1971); *Neb. Press Assoc. v. Stuart*, 427 U.S. 539 (1976).

⁸¹ See *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963) (“Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.”); *Stuart*, 427 U.S. at 559 (“[P]rior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights.”); *Bowman v. White*, 444 F.3d 967, 980 (6th Cir. 2006) (stating that a university’s requirement that a non-university group obtain a permit from a university official before using an outdoor space is a prior restraint that bears a heavy presumption of unconstitutionality).

Applicant Details

First Name **Charlotte**
Last Name **Weiss**
Citizenship Status **U. S. Citizen**
Email Address weiss.ch@northeastern.edu
Address

Address
Street 279 Pearl Street, #3L
City Cambridge
State/Territory Massachusetts
Zip 02139

Contact Phone Number **8189174871**

Applicant Education

BA/BS From **Wellesley College**
Date of BA/BS **May 2016**
JD/LLB From **Northeastern University School of Law**
http://www.nalplawschoolsonline.org/ndlsdir_search_results.asp?lscd=12205&yr=2013
Date of JD/LLB **May 15, 2024**
Class Rank **School does not rank**
Law Review/Journal **Yes**
Journal(s) **Northeastern University Law Review**
Moot Court Experience **No**

Bar Admission**Prior Judicial Experience**

Judicial Internships/Externships	Yes
Post-graduate Judicial Law Clerk	No

Specialized Work Experience

Recommenders

Mallory, Carol
c.mallory@northeastern.edu
6173735841

Williams, Lucy
lu.williams@northeastern.edu
(617) 373-4537

Gundavaram, Hemanth
h.gundavaram@northeastern.edu
617-373-6802

This applicant has certified that all data entered in this profile and any application documents are true and correct.

CHARLOTTE JANE WEISS

279 Pearl Street, Cambridge, MA, 02139 | weiss.ch@northeastern.edu | (818) 917-4871

June 19, 2023

The Honorable Jamar K. Walker
600 Granby Street
Norfolk, Virginia 23510

Dear Judge Walker:

I am a rising third-year law student at Northeastern University School of Law, writing to express my strong interest in a clerkship in your chambers for the 2024-2025 term. I am particularly interested in clerking in your chambers because of your significant public interest background at the U.S. Attorney's Office. As an aspiring public interest litigator, clerking for you would allow me to deepen my legal research and writing skills as I prepare for a career in public service.

My experience as an intern with Magistrate Judge Jennifer Boal¹ at the U.S. District Court for the District of Massachusetts equipped me with the necessary skills to become an effective legal researcher and writer. As a judicial intern, I prepared bench memoranda for the judge on Section 1983 cases, breach of contract cases, and referrals to Bankruptcy Court. Specifically, I drafted a bench memorandum on the applicability of the Sherman Anti-Trust Act to a *pro se* employment claim, analyzing the First Circuit's recently developed test on the rule of reason. This summer, I am furthering my legal research and writing skills at the ACLU National office by conducting legal and policy research, and drafting memoranda for immigration impact litigation cases. As a clerk, I would look forward to deepening these skills in preparing bench memoranda for your chambers.

My experiences with Northeastern's Immigrant Justice Clinic and ProBAR taught me how to effectively advocate for my clients in litigation. As a student-attorney at the Clinic, I successfully co-represented a client from Belarus seeking political asylum. Specifically, I researched asylum case law, U.S. State Department reports, and local news sources from Belarus to draft a compelling legal brief for the client's asylum application. At ProBAR, I successfully petitioned for three children who were the victims of labor trafficking in their home countries and were granted relief by the U.S. Office of Trafficking in Persons. Representing clients successfully in the initial stages of their immigration cases has sparked my interest in understanding the various stages of litigation beyond the initial filing. As a clerk, I would look forward to working on assignments that cover different stages of litigation through reviewing initial filings, preparing for trial, and drafting opinions.

I plan to use my law degree to represent unaccompanied migrant children in court and eventually use impact litigation to advocate for better immigration laws and policies. Having worked in immigration for several years, I have realized that immigration law is an interdisciplinary field, often interacting with the criminal justice system, employment law, and other areas of the law. Clerking for you would provide me with the tools to become a more effective public interest litigator by exposing me to different areas of the law that impact immigration cases and by working with a judge who is committed to a career in public service.

Enclosed please find my resume, writing sample, transcript, and letters of recommendation from Professor Carol Mallory, Teaching Professor at Northeastern University School of Law, Professor Hemanth Gundavaram, Director of the Immigrant Justice Clinic at Northeastern Law, and Professor Lucy Williams, Professor of Law at Northeastern Law. Thank you for your time and consideration. I look forward to hearing from you regarding my candidacy.

Sincerely,

Charlotte Weiss

¹ In addition to my letters of recommendation, Judge Boal is happy to provide an oral reference. She can be reached via email at Jennifer_Boal@mad.uscourts.gov or through the chambers' main line at 617-748-9236.

CHARLOTTE JANE WEISS

279 Pearl Street, Cambridge, MA, 02139 | weiss.ch@northeastern.edu | (818) 917-4871

EDUCATION

Northeastern University School of Law, Boston, MA

Candidate for Juris Doctor

May 2024

Honors: *Senior Editor*, Northeastern University Law Review (2023-2024); *Associate Editor* (2022-2023)

Lawyering Fellow (Teaching Assistant) and Research Assistant: 1L Legal Research and Writing, Professor Carol Mallory

Activities: *Co-Founder and Co-President*, Federal Bar Association-Northeastern Chapter

Wellesley College, Wellesley, MA

Teaching Certificate in Elementary Education

May 2017

B.A. in Spanish Language and Literature *with honors*, Minor in Education Studies

May 2016

Honors Thesis: *Cruces cervantinas, fronteras femeninas: Las mujeres migrantes en tres obras de Cervantes* (Cervantine Crossings, Feminine Borders: Migrant Women in Three Works by Cervantes)

Activities: Wellesley College Varsity Crew Team (2012-2016), Madeleine Korbel Albright Institute for Global Affairs Fellow (2015)

LEGAL EXPERIENCE

American Civil Liberties Union (ACLU) National Office, San Francisco, CA

Legal Intern with Immigrants' Rights Project

May 2023-Present

Draft memoranda for immigration impact litigation cases, research discrete legal issues, participate in strategy meetings about current litigation.

U.S. District Court for the District of Massachusetts, Boston, MA

Judicial Intern to the Honorable Jennifer Boal

Sept. 2022-Dec. 2022

Drafted bench memoranda on Sherman Act anti-trust cases, breach of contract cases, and referrals to bankruptcy court. Researched discrete legal issues and observed court proceedings.

Immigrant Justice Clinic, Northeastern University School of Law, Boston, MA

Student Attorney

May 2022-Aug. 2022

Co-represented client from Belarus seeking asylum based on political activism against Lukashenko regime. Filed I-589 asylum application and drafted client affidavit, country conditions report, and legal brief in preparation for client's upcoming court hearing.

South Texas Pro Bono Asylum Representation Project (ProBAR), Harlingen, Texas

Senior Unaccompanied Child Legal Services Specialist

Dec. 2018-Nov. 2019, Apr. 2020-Jul. 2021

Trained new Unaccompanied Child Legal Services Specialists to conduct legal interviews and Know Your Rights presentations as part of a project of the American Bar Association. Developed manuals on how to support queer and gender nonconforming unaccompanied migrant children.

Unaccompanied Child Legal Services Specialist

Oct. 2017-Dec. 2018

Conducted legal interviews in Spanish with detained immigrant children to create compelling narrative of child's life on behalf of ProBAR attorneys. Taught comprehensive Know Your Rights Presentations in Spanish to detained children about removal proceedings, immigration court, and their rights while in the United States.

ADDITIONAL PROFESSIONAL EXPERIENCE

Rafael Hernández K-8, Roxbury, MA

Aug. 2016-Jun. 2017

Student-Teacher

Co-taught 3rd Grade Spanish-speaking classroom in bilingual public school, focusing on math and science lessons.

City Year, Los Angeles, CA

Aug. 2011-Jun. 2012

Corps Member, Figueroa Street Elementary School

Power Award Recipient: Nominated by peers as one of 3 awardees who best represented values of City Year. Developed literacy and math lesson plans for ten 4th Grade English Language Learner students.

LANGUAGE SKILLS

Spanish: Native Fluency

NORTHEASTERN UNIVERSITY



Northeastern University Registrar

Office of the University Registrar

230-271
360 Huntington Avenue
Boston, MA 02115-5000
email: transcripts@northeastern.edu

web: <http://www.northeastern.edu/registrar/>

Record of: Charlotte J Weiss NUID: 002124595
Issued To: CHARLOTTE WEISS
WEISS.CH@NORTHEASTERN.EDU
REFNUM:07011628

Primary Program
Juris Doctor

College : School of Law
Major : Law

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
----------	--------------	----------	-------

INSTITUTION CREDIT:

Fall 2021 Law Semester (08/30/2021 - 12/22/2021)

LAW 6100	Civil Procedure	5.00 H	0.000
LAW 6105	Property	4.00 H	0.000

LAW 6106	Torts	4.00 H	0.000
LAW 6160	Legal Skills in Social Context	2.00 HH	0.000
LAW 6165	LSSC: Research & Writing	2.00 H	0.000
Ehrs:17.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Spring 2022 Law Semester (01/10/2022 - 05/06/2022)

LAW 6101	Constitutional Law	4.00 H	0.000
LAW 6102	Contracts	5.00 H	0.000
LAW 6103	Criminal Justice	4.00 H	0.000
LAW 6160	Legal Skills in Social Context	2.00 HH	0.000
LAW 6165	LSSC: Research & Writing	2.00 H	0.000
Ehrs:17.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Summer 2022 Law Semester (05/09/2022 - 08/23/2022)

LAW 7336	Immigration Law	3.00 HH	0.000
LAW 7443	Professional Responsibility	3.00 H	0.000
LAW 7657	Immigrant Justice Clinic	8.00 HH	0.000
LAW 7690	Intro Writing for Litigation	1.00 H	0.000
LAW 7938	Research Assistant	2.00 HH	0.000
Ehrs:17.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Fall 2022 Law Semester (08/29/2022 - 12/23/2022)

COOP: U.S. Dist. Court, Dist. of Mass., Judge Boal
Boston, MA

***** CONTINUED ON NEXT COLUMN *****

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
----------	--------------	----------	-------

Institution Information continued:

LAW 7940	Reflections on Lawyering	1.00 H	0.000
LAW 7941	Pub Int Pub Serv Field Placemt	7.00 CR	0.000
LAW 7964	Co-op Work Experience	0.00 CR	0.000
Ehrs: 8.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Spring 2023 Law Semester (01/09/2023 - 04/29/2023)

LAW 7358	Social Welfare Law	3.00 HH	0.000
LAW 7398	Federal Crts & the Fed System	4.00 HH	0.000
LAW 7608	American Legal Thought	3.00 HH	0.000
LAW 7928	LSSC Lawyering Fellow Seminar	1.00 HH	0.000
LAW 7931	LSSC Lawyering Fellow	3.00 HH	0.000
Ehrs:14.000 GPA-Hrs: 0.000 QPts: 0.000 GPA: 0.000			

Summer 2023 Law Semester (05/08/2023 - 08/26/2023)

COOP: ACLU, Immigrants' Rights Proj.

San Francisco, CA

IN PROGRESS WORK

LAW 7966	Public Interest Co-op Work Exp	0.00 IN PROGRESS	
In Progress Credits		0.00	

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	73.000	0.000	0.000	0.000

TOTAL TRANSFER	0.000	0.000	0.000	0.000
----------------	-------	-------	-------	-------

OVERALL	73.000	0.000	0.000	0.000
---------	--------	-------	-------	-------

***** END OF TRANSCRIPT *****

Page: 1

Rebecca Hunter Assoc VP & University Registrar



Northeastern University School of Law Grading and Evaluation System

A global leader in experiential learning for over 50 years, Northeastern University School of Law (“NUSL”) integrates academics with practical skills as its core educational philosophy. To fulfill NUSL graduation requirements, law students must earn at least 83 academic credits and complete at least three terms of full-time, law-related work through “co-op,” our unique Cooperative Legal Education Program.

Consonant with the word “cooperative,” NUSL cultivates an atmosphere of cooperation and mutual respect, exemplified in our course evaluation system. NUSL faculty provide detailed feedback to students through narrative evaluations, designed to prepare law students for the practice of law. The narrative evaluations examine law student written work product, contributions to class discussions, results of examinations, specific strengths and weaknesses, and overall engagement in the course. Faculty also award the student a grade in each course, using the following categories:

- **High Honors**
- **Honors**
- **Pass**
- **Fail**

A small number of courses are evaluated using a Credit/No Credit evaluation system, instead of a grade. NUSL does not provide GPAs or class ranks.

NUSL transcripts include the following information:

- The course name, grade received, and number credits earned;
- The faculty’s narrative evaluation for the course; and
- All co-ops completed, and the evaluations provided by the co-op employer.

“In progress” notations on a transcript indicate that a student has not yet received an evaluation from faculty for a particular course.

During the Spring 2020 semester, due to the COVID-19 pandemic, all courses were subject to mandatory “Credit” or “Fail” evaluations, except for year-long courses LAW 6160 and 6165.

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 25279
Course Title: Federal Crts & the Fed System
Course ID: LAW 7398
Credits: 4
Term: Spring 2023 Law Semester
Instructor : Burnham, Margaret A.
Grade: High Honors

Course Description:

The subject of this course is the distribution of power between the states and the federal government, and between the federal courts and other branches of the federal government as manifested in jurisdictional rules of the federal courts. The topics covered include the nature of the federal judicial function, the review of state court decisions by the United States Supreme Court, and the jurisdiction of federal district courts, with special emphasis on actions claiming constitutional protection against state official actions.

Performance Highlights:

You performed at the highest level in this course. You participated in each and every class, and you were present and fully prepared for every class. Moreover, you followed up with clarifying questions after each class, giving me the opportunity to revisit areas that required clarification. In these respects you were entirely unique in a quite large class. Thank you for your perseverance and commitment to mastering this material, and to your insistence on nailing down the details.

Your final exam made clear what your classroom performance presaged: you wrote an excellent exam, nimbly canvassing a wide area of law, displaying discerning and thorough knowledge of the doctrine and background history, and separating the irrelevant from the important. You write cogently and persuasively. Well done!

Date: 5.30.2023 6:59PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 25279
Course Title: Social Welfare Law
Course ID: LAW 7358
Credits: 3
Term: Spring 2023 Law Semester
Instructor : Williams, Lucy A.
Grade: High Honors

Course Description:

This course examines American public assistance as a legal institution. After reviewing the historical, sociological and juridical roots of the welfare system, students examine the laws governing major assistance programs, especially eligibility requirements, rules governing grant determination, work and family rules, and procedural rights. Primary emphasis is on statutory and regulatory construction. The course explores methods by which lawyers can deal with the system: advocacy in the administrative process, litigation, legislative reform and representation of recipient organizations.

Performance Highlights:

- You successfully grappled with the difficult concepts of entitlement, the privileging of waged work, and conditioning benefits on citizenship.
 - You applied central theoretical concepts and incorporated secondary sources to deepen your analysis.
 - You carefully parsed regulatory and statutory language in the context of social welfare law, programs, and policy.
 - Your paper was very well written.
 - This was an outstanding exam.
-

Date: 5.26.2023 1:22PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student:	Charlotte Weiss
Exam #:	25279
Course Title:	American Legal Thought
Course ID:	LAW 7608
Credits:	3
Term:	Spring 2023 Law Semester
Instructor :	Klare, Karl E.
Grade:	High Honors

Course Description:

This course contrasts critical-theoretic approaches to law (e.g., legal realism, critical legal studies, identity-based jurisprudence, socio-legal studies, transformative jurisprudence) with mainstream legal thinking. In part the course is an intellectual history of American law, and in part it addresses contemporary jurisprudence and legal theory. Drawing on students' personal experience, the course also examines American legal education and the professional socialization of law students. A "big" question underlying the course is whether legal work is a medium in which one can pursue projects oriented toward political and social change. There is no prerequisite for this course, and no prior background in legal theory, history, or jurisprudence is needed. All students are expected to read the assigned texts very closely and participate in discussing them in class.

Performance Highlights:

- You demonstrated an excellent and very thoughtful command of historical sources on the evolution of US legal thought.
 - You demonstrated an excellent and discerning appreciation of salient themes and debates among US jurists over the past 150 years, particularly in connection with issues of economic organization and justice.
 - You offered particularly illuminating observations on US jurists' contrasting ideas regarding state responsibility for economic inequality. You persuasively demonstrated the interesting point that legal thinkers who disagree sharply on social and political questions may share conceptual foundations.
 - You participated in searching, in-class group discussion and analysis of the historical materials.
-

Date: 5.25.2023 3:17PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student:	Charlotte Weiss
Exam #:	25279
Course Title:	LSSC Lawyering Fellow Seminar
Course ID:	LAW 7928
Credits:	1
Term:	Spring 2023 Law Semester
Instructor :	Bloom, Elizabeth M.
Grade:	High Honors

Course Description:

Offers additional support and training for students serving as Lawyering Fellows for the social justice component of the Legal Skills in Social Context (LSSC) class for first-year law students. Explores social justice topics covered in LSSC in greater depth. Offers students an opportunity to obtain training in the skills necessary to facilitate discussions of those topics. Examines theories of effective collaboration and group development and introduces techniques for fostering successful team dynamics. Provides guidance on how to engage in effective critique and feedback and how to supervise students in their project work.

Performance Highlights:

This was a one-credit class designed to support the work of students in their role as a Lawyering Fellow (LF) for the Legal Skills in Social Context course for first-year students, and Charlotte's performance was strong. An active participant in class discussions, she demonstrated a nuanced understanding of the systemic inequities created and reinforced by our legal system. She was also thoughtful about how best to facilitate first-year students' learning around these issues. Charlotte offered helpful insights – both in her discussion board posts and in class discussions – on creating an effective learning environment for students, cultivating a positive team dynamic, and managing conflict. She was consistently self-reflective in the role of a mentor and leader, and it was clear that she excelled in the role of LF in the classroom.

Date:	5.24.2023 11:08AM
--------------	-------------------

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 25279
Course Title: LSSC Lawyering Fellow
Course ID: LAW 7931
Credits: 3
Term: Spring 2023 Law Semester
Instructor : Mallory, Carol R.
Grade: High Honors

Course Description:

Assists LSSC faculty in all aspects of the first-year LSSC course. Working closely with a supervising faculty member, Lawyering Fellows provide critique and feedback on first-year students' written and oral work, create legal research plans, identify areas for field research, communicate with representatives from the partner organizations, and help to foster strong team dynamics and development.

Performance Highlights:

Charlotte did an outstanding job as a Lawyering Fellow (LF) for my Legal Skills in Social Context course. In that capacity Charlotte worked with a class of 14 first-year law students and was responsible for coordinating and managing the class's social justice research project in partnership with an abolitionist organization in Chicago. The students specific project focused on the ways institutional state actors created and perpetuated racial residential segregation in Chicago, with a particular focus on the Chicago Police Department and the Chicago Housing Authority. The project culminated in a final deliverable for the partner organization and a presentation to the community entitled, Politicians, Police, and Public Housing: The Capture of Space and Bodies in 20th Century Chicago.

Charlotte's strong intellect, professionalism, and inter-personal skills made her an excellent LF and demonstrate her potential to become an exceptional attorney. Charlotte was a consummate professional, who displayed exceptional organizational skills when helping students plan out and execute their work on the project. She also did an excellent job communicating and coordinating with our partner organization, the students, and myself. In addition, Charlotte was extremely adept at thinking strategically about how best to accomplish the work of the project; in that capacity, she proved herself to be a strong creative thinker with excellent problem-solving skills. Finally, Charlotte was exceptionally well-attuned to the needs of individual students and the dynamics of the team as a whole. Her positive and encouraging attitude helped to create a successful team dynamic and motivated the students to perform their best work.

Date: 5.17.2023 5:48PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 24860
Course Title: Reflections on Lawyering
Course ID: LAW 7940
Credits: 1
Term: Fall 2022 Law Semester
Instructor : Eshghi, Nima R.
Grade: Honors

Course Description:

Offers students an opportunity to reflect on their legal work experiences. Examines the roles of lawyers and the nature of legal work, drawing on assigned readings, lectures, and students' own experiences. Discusses the professional obligations of lawyers and identifies skills and knowledge needed for effective lawyering. Considers both how students' own legal careers may develop over time and how the legal profession itself may evolve.

Performance Highlights:

Overall, you did a terrific job managing the demands of this course in light of the competing - and primary - demands of your judicial coop. Your insights about co-op, and particularly about the line one must walk when researching and presenting the various analyses and possibilities to a judge in a high-stakes setting, were particularly powerful. The difference between being an advocate and a neutral arbiter looms large for students in such co-ops, and you framed it particularly well and addressed it frankly.

Congratulations on great work during, and in conjunction with, your important co-op experience.

Date: 2.9.2023 9:13AM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 14137
Course Title: Research Assistant
Course ID: LAW 7938
Credits: 2
Term: Summer 2022 Law Semester
Instructor : Mallory, Carol R.
Grade: High Honors

Course Description:

An upper level student in good standing may serve as a faculty Research Assistant. The student will work with a full-time faculty member on a supervised project relating to the faculty member's teaching or scholarly activities. The project will provide the student with supervised research and/or writing experience as well as an opportunity to engage in analytical discourse with the faculty member.

Performance Highlights:

Charlotte conducted research to assist me in planning for my upcoming Legal Skills in Social Context (LSSC) course. Each year in LSSC students work on a year-long social justice project in conjunction with a partner organization; the project my students were working on for the following year was on behalf of an abolitionist organization in Chicago. The work on these projects allows students to explore more concretely some of the curricular topics of the course, including the non-neutrality of law, narrative and metaphor in law, movement lawyering, and the role of lawyers in social movements. Charlotte did an excellent job finding appropriate readings for the students that would allow them to examine these topics in the context of the over policing of Black and Brown communities and the movement for abolition.

Date: 4.28.2023 11:05AM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student:	Charlotte Weiss
Exam #:	14137
Course Title:	Immigrant Justice Clinic
Course ID:	LAW 7657
Credits:	8
Term:	Summer 2022 Law Semester
Instructor :	Gundavaram, Hemanth
Grade:	High Honors

Course Description:

Offers students, under the supervision of clinical faculty and staff, an opportunity to provide legal services to noncitizen clients and to develop knowledge and skills in immigration law practice. Students interview, research, plan, investigate, write, counsel, negotiate, and advocate for their clients. Emphasizes client-centered lawyering, cross-cultural awareness, trauma-informed interviewing, and self-care.

Performance Highlights:

Charlotte completed the following work in the Clinic:

- Contacted numerous asylum seekers who were paroled into the U.S. to determine their representation needs on behalf of an immigration non-profit named Al Otro Lado.
- Interviewed and counseled clients about their one-year asylum filing deadline.
- Co-represented a client from Belarus seeking asylum based on his political activism against the Lukashenko government.
- Filed the client's I-589 asylum application with the Boston Immigration Court before the one-year deadline.
- Prepared the supplemental package, including the client affidavit, country conditions report, and legal brief based on political opinion and particular social group claims.
- Compiled other supporting documents, including relevant photographs, videos, and a list of potential Belarusian experts.

Charlotte demonstrated the following skills in the Clinic:

- Excellent client interviewing and counseling with a victim of trauma; extremely strong Spanish language skills in interviewing and interpreting.
- Outstanding research and writing, especially in drafting an extremely compelling client affidavit and a persuasive and nuanced legal brief.
- Wonderful attention to detail in all her work; excellent organization in balancing numerous responsibilities and tasks on a large case.
- Endless support to other classmates, including peer review and edits of their work, but also on issues like vicarious trauma and self-care.
- Regular participation in classroom discussion and engagement with seminar materials on doctrinal, theoretical, and practical issues.
- A tireless and unwavering work ethic in defense of immigrant rights.

Date:	10.17.2022 5:50AM
--------------	-------------------

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 14137
Course Title: Immigration Law
Course ID: LAW 7336
Credits: 3
Term: Summer 2022 Law Semester
Instructor : Gundavaram, Hemanth
Grade: High Honors

Course Description:

This course is designed to give the student an overview of U.S. immigration law. The focus is on the day-to-day practice of immigration law, including an examination of the substantive and procedural aspects of this practice, and a historical analysis of the changes in our immigration laws and policies. Topics covered include non-immigrant and immigrant classifications, the preference system for immigrants, grounds of inadmissibility and deportability, relief from removal, asylum, citizenship, administrative and judicial review, and the immigration consequences of crimes.

Performance Highlights:

- Performed exceptionally well on the final exam.
- Acquired a comprehensive understanding of immigration law.
- Demonstrated superb legal writing and analysis skills.
- Completed many complicated and difficult immigration law hypotheticals.
- Participated frequently in class and brought much to our discussions.

Date: 10.14.2022 9:04PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 14137
Course Title: Professional Responsibility
Course ID: LAW 7443
Credits: 3
Term: Summer 2022 Law Semester
Instructor : Drew, Melinda F.
Grade: Honors

Course Description:

This course focuses on the legal, ethical and professional dilemmas encountered by lawyers. Emphasis is on justice as a product of the quality of life that society provides to people rather than merely the process that the legal system provides once a crime or breach of duty has occurred. The course also provides students with a working knowledge of the American Bar Association's Model Rules of Professional Conduct and the Code of Professional Responsibility as well as an understanding of the underlying issues and a perspective within which to evaluate them. In addition, the course examines the distribution of legal services to poor and non-poor clients.

Performance Highlights:

Your written work in this course showed generally very good analytical skills and organization. Your written assignment concerning the issues raised in an engagement letter sent to a client was well written, well analyzed, and well organized. Your class presentation with three of your classmates was excellent and engaged the class in discussion. Your analysis of the problems on the final exam was very good.

Date: 9.20.2022 4:00PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student:	Charlotte Weiss
Exam #:	14137
Course Title:	Intro Writing for Litigation
Course ID:	LAW 7690
Credits:	1
Term:	Summer 2022 Law Semester
Instructor :	Leahy, Stefanie E.
Grade:	Honors

Course Description:

Introduces students to litigation documents, including engagement and demand letters; complaints; answers; discovery requests (such as interrogatories, requests for the production of documents, and requests for admission); and motions. Considers audience, purpose, and components in drafting a document, taking into account relevant strategic considerations and general principles that apply to all litigation documents. Examines the protections associated with attorney-client privilege and attorney work product. Offers students an opportunity to review and draft a variety of litigation documents, to find and modify sample documents, and to find and apply the rules of the relevant jurisdiction.

Performance Highlights:

Over the course of two weeks, Charlotte had the opportunity to work collaboratively with other students to discuss and draft a variety of litigation documents. Charlotte displayed strong oral communication skills and was able to work independently, as well as efficiently in groups. Considering the amount of work required in such a short period of time, Charlotte also displayed strong time management skills.

Charlotte produced a case brief related to the operation of the work product doctrine in MA courts, edited a Complaint, submitted "research request" supervisor emails, analyzed documents for privilege, and produced a 5 page Motion in Limine. In the final reflection for the course, she highlighted her main takeaways from this introduction to litigation writing, including the importance of editing as well as the importance of listening and asking questions to create a strong first draft.

Charlotte has strong research and writing skills and is a positive presence in the classroom. I look forward to seeing her continued success and development in the future.

Date:	9.13.2022 7:04PM
--------------	------------------

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 13450
Course Title: Constitutional Law
Course ID: LAW 6101
Credits: 4
Term: Spring 2022 Law Semester
Instructor : Paul, Jeremy R.
Grade: Honors

Course Description:

Studies the techniques of constitutional interpretation and some of the principal themes of constitutional law: federalism, separation of powers, public vs. private spheres, equality theory and rights analysis. The first part of the course is about the powers of government. The second part is an in-depth analysis of the 14th Amendment.

Performance Highlights:

You demonstrated sound knowledge of key constitutional issues.

You displayed an ability to produce excellent analysis of contested points.

Your writing is clear and effective.

Date: 6.13.2022 10:12AM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 13450
Course Title: Contracts
Course ID: LAW 6102
Credits: 5
Term: Spring 2022 Law Semester
Instructor : Phillips, David M.
Grade: Honors

Course Description:

This course examines the legal concepts governing consensual and promissory relationships, with emphasis on the historical development and institutional implementation of contract theory, its relationship and continuing adaptation to the needs and practice of commerce, and its serviceability in a variety of non-commercial contexts. Topics covered include contract formation, the doctrine of consideration, remedies for breach of contracts, modification of contract rights resulting from such factors as fraud, mistake and unforeseen circumstances, and the modern adaptation of contract law to consumer problems. This course also introduces students to the analysis of a complex statute: the Uniform Commercial Code.

Performance Highlights:

Your performed well on the challenging multiple-choice first part of the examination.

Your answers to the essay problems evinced good knowledge of contract law and competence in applying that law to the facts of the problems.

Your class participation was simply outstanding. Thank you.

Date: 6.2.2022 3:43PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 13450
Course Title: Legal Skills in Social Context
Course ID: LAW 6160
Credits: 2
Term: Spring 2022 Law Semester
Instructor : Mallory, Carol R.
Grade: High Honors

Course Description:

The LSSC Social Justice component immediately applies students' legal research and writing skills in using law as a tool for social change. LSSC links students' pre-law school thinking with the new legal culture in which they find themselves. In the first semester, they begin by forging their own team lawyering dynamic in discussing assigned readings and in preparing, and presenting, several advocacy exercises and written assignments. In the second semester, students apply and consolidate their new legal research and writing skills in addressing an intensive real-life social justice project for a selected client organization. LSSC student teams develop their legal and cooperative problem-solving skills and knowledge while producing real client work of a quality that far exceeds the ordinary expectations of first-year law students. May be repeated once.

Performance Highlights:

As a part of the LSSC course, a group of law students, called a "Law Office" (LO), work together on a year-long social justice project on behalf of a community-based organization. Charlotte was a member of LO10, which worked on a project on behalf of a Chicago non-profit whose mission is to support grassroots organizations and movement building around the abolition of the prison-industrial complex (due to the nature of their work, the organization wishes to remain anonymous.) The focus of LO10's project was on the history of the Chicago Police Department (CPD), the historical efforts to reform it, and why those efforts have failed. The LO researched statutes, city ordinances, police oversight mechanisms, budgets, police unions, prominent political actors, and individual activists and movements for reform. The LO's project culminated in the creation of a website to catalogue their extensive research. The LO presented the results of their research to the community in a presentation entitled "The Past is The Present: The violent anti-Black legacy of policing in Chicago and why abolition is the only path forward."

As a whole, LO10 was the most collaborative, collegial, high functioning, and effective LO I have had the pleasure to work with in the seven years I've been teaching this course. As a group the law office held themselves to an extremely high standard; their performance—individually, in sub-groups, and as a group—was exceptional, and it was evident in their stellar final work product.

Charlotte's performance in this portion of the class was equally strong. Charlotte engaged deeply with the social justice issues covered in this course; she made valuable contributions to the classroom discussions of these issues and wrote thoughtful and insightful reflective essays on the assigned topics. Charlotte was also an invaluable member of the LO in terms of the project's overall success; she was an active participant in discussions about the goals of the project and how best to achieve them and did an exceptional job researching and mapping the budget of the Chicago Police Department over time. Charlotte also volunteered to take on significant responsibilities throughout the course of the year. In particular, Charlotte took on the herculean task of compiling and organizing the research from all of the various sub-groups into a final work product—a difficult task, but one that she handled professionally and with grace. Additionally, Charlotte volunteered to be one of the presenters for the group's final presentation. With her co-presenters, Charlotte was able to synthesize the enormous amount of research the LO had compiled, pull out the themes and takeaways from the research, and organize a presentation that was informative, dynamic, and engaging. In Charlotte's own portion of the presentation, she demonstrated a natural

affinity for public speaking that will serve her well as an advocate. Overall, Charlotte was a well-regarded member of the LO who had the ability to work well with all of her classmates. Her positive attitude, commitment to the project, and willingness to take on significant responsibility greatly contributed to the LO's overall positive team dynamic and success.

Date: 5.31.2022 4:15PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student:	Charlotte Weiss
Exam #:	13450
Course Title:	LSSC: Research & Writing
Course ID:	LAW 6165
Credits:	2
Term:	Spring 2022 Law Semester
Instructor :	Mallory, Carol R.
Grade:	Honors

Course Description:

Competent and effective legal research and writing skills are the foundation for students' success in law school and in their legal careers. In LSSC's Legal Analysis, Research and Writing component, students learn about the organization of the American legal system, the sources and construction of laws, and how the application of laws may vary with the specific factual situation. Students learn how to research the law to find applicable legal rules, how to analyze and apply those rules to a factual situation, and how to communicate their legal analysis clearly and concisely to different audiences.

Performance Highlights:

Charlotte's performance in this class was excellent. Charlotte has strong analytical skills; her analysis was always well-supported by the law and she possesses the ability to think creatively about the application of law to fact that will make her an effective advocate. Charlotte's research skills are impressive as well; her research is always thorough, and she is able to clearly distill the relevant authority in furtherance of her analysis. Charlotte's written work was equally strong; she successfully completed multiple objective and persuasive memoranda, culminating with a memorandum in support of a motion for summary judgment that presented compelling arguments on behalf of her client. Finally, Charlotte demonstrated a natural affinity for oral advocacy; in her final oral argument she delivered a well-conceived and persuasive argument on behalf of her client and did so with impressive poise and confidence. In short, Charlotte possesses the intellect and skill to be an exceptional attorney.

Date: 5.31.2022 4:14PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 13450
Course Title: Criminal Justice
Course ID: LAW 6103
Credits: 4
Term: Spring 2022 Law Semester
Instructor : Ramirez, Deborah A.
Grade: Honors

Course Description:

In this course, students are introduced to the fundamental principles that guide the development, interpretation and analysis of the law of crimes. They are also exposed to the statutory texts—primarily the Model Penal Code, but also state statutes. In addition, students are introduced to the rules and principles used to apportion blame and responsibility in the criminal justice system. Finally, students examine the limits and potential of law as an instrument of social control.

Performance Highlights:

Overall, your performance in this class was excellent. On the exam, you did a very good, and, at times excellent job of analyzing the Model Penal Code issues presented by the factual scenario in question one. On question two, you did an excellent job of analyzing the federal search and seizure issues that might be raised by the attorneys for Cougar and Samuel. In particular, you did an excellent job of analyzing stop and frisk of Cougar by Detective Donovan.

Date: 5.31.2022 2:32PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 12956
Course Title: Legal Skills in Social Context
Course ID: LAW 6160
Credits: 2
Term: Fall 2021 Law Semester
Instructor : Mallory, Carol R.
Grade: High Honors

Course Description:

The LSSC Social Justice component immediately applies students' legal research and writing skills in using law as a tool for social change. LSSC links students' pre-law school thinking with the new legal culture in which they find themselves. In the first semester, they begin by forging their own team lawyering dynamic in discussing assigned readings and in preparing, and presenting, several advocacy exercises and written assignments. In the second semester, students apply and consolidate their new legal research and writing skills in addressing an intensive real-life social justice project for a selected client organization. LSSC student teams develop their legal and cooperative problem-solving skills and knowledge while producing real client work of a quality that far exceeds the ordinary expectations of first-year law students. May be repeated once.

Performance Highlights:

Legal Skills in Social Context is a year-long course. Please refer to the Spring 2022 semester for the final evaluation.

Date: 6.6.2022 1:49PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 12956
Course Title: LSSC: Research & Writing
Course ID: LAW 6165
Credits: 2
Term: Fall 2021 Law Semester
Instructor : Mallory, Carol R.
Grade: Honors

Course Description:

Competent and effective legal research and writing skills are the foundation for students' success in law school and in their legal careers. In LSSC's Legal Analysis, Research and Writing component, students learn about the organization of the American legal system, the sources and construction of laws, and how the application of laws may vary with the specific factual situation. Students learn how to research the law to find applicable legal rules, how to analyze and apply those rules to a factual situation, and how to communicate their legal analysis clearly and concisely to different audiences.

Performance Highlights:

LSSC: Research & Writing is a year-long course. Please refer to the Spring 2022 semester for the final evaluation.

Date: 6.2.2022 3:14PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 12956
Course Title: Property
Course ID: LAW 6105
Credits: 4
Term: Fall 2021 Law Semester
Instructor : Kelley, Melvin J.
Grade: Honors

Course Description:

This course covers the major doctrines in American property law, including trespass, servitudes, estates in land and future interests, landlord-tenant relationships, nuisance, and takings. Students are introduced to rules, policies, and current controversies.

Performance Highlights:

Demonstrated substantial knowledge of core U.S. Property Law doctrine and associated public policy considerations as well as a solid capacity to mobilize these insights to assess novel fact patterns. Excellent participation in class discussions which facilitated deeper examination of course materials. A pleasure and a joy to have in class.

Date: 2.24.2022 1:54PM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 12956
Course Title: Torts
Course ID: LAW 6106
Credits: 4
Term: Fall 2021 Law Semester
Instructor : Kahn, Jonathan D.
Grade: Honors

Course Description:

This course introduces students to theories of liability and the primary doctrines limiting liability, which are studied both doctrinally and in historical and social context. The course includes a brief consideration of civil remedies for intentional harms, but mainly focuses on the problem of accidental injury to persons and property. It also provides an introductory look at alternative systems for controlling risk and allocating the cost of accidents in advanced industrial societies.

Performance Highlights:

Demonstrated a clear grasp of key tort principles and the contexts in which they apply.

Did a reasonable job of issue spotting and applying understandings of theories of responsibility and alternatives to evaluate and apply legal rules to specific situations.

Your analysis of legal problems was generally sound.

Your class participation was consistent, thoughtful, and constructive. It was a pleasure having you join in discussions.

Date: 2.1.2022 9:39AM

Northeastern University School of Law
416 Huntington Avenue
Boston, Massachusetts 02115

Student: Charlotte Weiss
Exam #: 12956
Course Title: Civil Procedure
Course ID: LAW 6100
Credits: 5
Term: Fall 2021 Law Semester
Instructor : Williams, Lucy A.
Grade: Honors

Course Description:

Introduces students to the procedural rules that courts in the United States use to handle noncriminal disputes. Designed to provide a working knowledge of the Federal Rules of Civil Procedure and typical state rules, along with an introduction to federalism, statutory analysis, advocacy, and methods of dispute resolution. Examines procedure within its historical context.

Performance Highlights:

- You identified virtually all of the issues.
- Your analysis reflected a solid understanding of the complex materials covered in the course.
- You routinely cited to relevant case law.
- Your discussions of the Erie doctrine and summary judgment were particularly strong.
- Your paper was well written

Date: 1.20.2022 6:33PM

Fall 2022 : Charlotte J Weiss - Fall 2022 Early (94584) (U.S. Dist. Court, Dist. of Mass., Judge Boal (Boston, MA))

EMPLOYER FINAL EVALUATION

Approve	Yes
Requested On	Jan 03, 2023 9:59 am
Student	Charlotte J Weiss
Date Employed From:	September 12, 2022
Date Employed To:	December 23, 2022
Address	Moakley Courthouse, One Courthouse Way, Boston, MA
Employer Name	U.S. Dist. Court, Dist. of Mass., Judge Boal (Boston, MA)
1) Areas of law engaged in, and level of proficiency	Charlotte drafted numerous mediation and bench memoranda. She also conducted multiple shorter research projects on discrete issues, including referrals to bankruptcy court, Rule 43 of the Federal Rules of Civil Procedure, 42 U.S.C. § 1983 claims; and Rule 35 medical examinations. Finally, she prepared a chart regarding local rules on disclosure of third-party litigation financing agreements.
2) Skills demonstrated during the co-op	Charlotte has strong research and writing skills and good attention to detail. She is bright and engaged.
3) Professionalism, work ethic, and responsiveness to feedback	Charlotte was very professional and hard working. She actively sought feedback on her work. She also asked thoughtful and insightful questions about many things, including research processes and writing preferences, which she then incorporated into her work.
4) Ability to work with colleagues and clients; ability to integrate knowledge from other disciplines	Charlotte was engaged, cheerful, and just a pleasure to have in chambers.
5) Further details about the student's performance	Given our experiences with Charlotte this semester, we believe that she will make an excellent lawyer.

Submitted by: Heidsha Sheldon

Date submitted: January 3, 2023

Help Desk: 703-373-7040 (Hours: Mon-Fri. 9am-8pm EST)
[Privacy Policy](#) | [Terms of Use](#)

June 20, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

It is with great pleasure that I write to recommend Charlotte Weiss for a clerkship in your chambers. I believe Ms. Weiss's exceptional legal research and writing skills, her strong work ethic and interpersonal skills, as well as her commitment to using the law to advance social justice, make her a uniquely good fit for a clerkship in your chambers. I initially had the pleasure of getting to know Ms. Weiss when she was a student in my Legal Skills in Social Context (LSSC) course during her first year of law school. LSSC is a year-long required course for all first-year students at Northeastern and has two components. Half of the class is a traditional first-year legal research and writing class; in the other component of the class students work on an intensive year-long social justice project on behalf of a partner organization. I was so impressed with Ms. Weiss's performance in LSSC that I hired her as a Research Assistant the following summer, and as a Lawyering Fellow ("LF") for LSSC in her second year. Her performance in all these roles, leaves me with no doubt that she possesses the intellect, skill, professionalism, and work ethic to be a successful law clerk.

Ms. Weiss possesses a keen intellect, and I have consistently been impressed by her ability to think creatively about the application of law to fact that is required of an effective advocate. Likewise, Ms. Weiss employs a thoughtful and creative approach to her research, and I have always felt confident in the thoroughness and reliability of her results. Her adeptness at both legal analysis and research was evident in her strong performance in my class during her first year as well as in the research she did for me during the summer of her second year. Ms. Weiss also has exceptional communication skills, both written and oral. Her written work is always clear, concise, and well-organized. As a speaker she is extremely articulate and able to convey her thoughts effectively in a variety of settings.

The strength of Ms. Weiss's legal skills is also demonstrated in her academic record. Although Northeastern does not have traditional grades or class rank, Ms. Weiss's record of receiving Honors and High Honors in all her courses is a remarkable accomplishment and places her at the top of her class. Ms. Weiss's evaluation from her first co-op—with Judge Boal of the United States District Court of Massachusetts—also notes the strength of her research and writing skills as well as her strong work ethic and professionalism.

In addition to excelling in the traditional "hard skills" required in legal practice, Ms. Weiss possesses a unique combination of personal qualities that make her an exceptional colleague and a joy to work with. Ms. Weiss possesses innate and strong emotional intelligence, is deliberately conscientious of others, and has a positive, optimistic attitude that is infectious. These strong collaboration skills were evident in the work she did on her LSSC class's social justice project. That portion of LSSC requires students to work collaboratively on a year-long project culminating in a single deliverable for their partner organization. Ms. Weiss's exceptional interpersonal skills were instrumental to the class's successful completion of the project. She not only took on significant responsibility for the project herself but worked to ensure that each of her classmates felt that their contributions were valued and respected. In so doing, she inspired her classmates to do their best work and helped establish a trusting, effective working relationship. Her strong interpersonal skills were also evident in her role as an LF, where she served as a valued mentor to individual students and guided the class in the successful completion of their own project.

Moreover, Ms. Weiss is extremely well-organized, hardworking, and thoughtful in everything she does. These qualities were most evident in the work she did for me as a LF. The LF effectively serves as the project manager for the students' project and coordinates with the partner organization to ensure that the students' plan meets the organization's needs. In that capacity, Ms. Weiss demonstrated that she is a strong creative thinker, possesses excellent problem-solving skills, and is exceedingly well-organized.

In short, Ms. Weiss is a highly intelligent, hard-working, and lovely person who I consider myself lucky to have had the pleasure to work with. I have no doubt she would be an exceptional law clerk.

Please feel free to contact me if you should have any questions or wish to discuss her qualifications further.

Sincerely,

Carol R. Mallory
Teaching Professor
c.mallory@northeastern.edu
617-373-5841

Carol Mallory - c.mallory@northeastern.edu - 6173735841



Lucy Williams
Professor of Law
Faculty Director, Center for Public
Interest Advocacy and Collaboration
Co-Director, Program on Human
Rights and the Global Economy

Office of the Faculty
Cargill Hall - 059
400-416 Huntington Avenue
Boston, MA 02115

June 26, 2023

The Honorable Judge Jamar Walker
Walter E. Hoffman
United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge Walker:

I write with great enthusiasm to recommend Charlotte Weiss for a judicial clerkship. As a student in my Civil Procedure and Social Welfare Law courses, Charlotte demonstrated a comprehensive understanding of procedural law and constitutional doctrines, and a commitment to using the law to secure equitable and just remedies for her future clients. During Civil Procedure, Charlotte demonstrated substantial knowledge of the Federal Rules of Civil Procedure and relevant case law. Her analysis on the final examination reflected a sophisticated understanding of the complex materials covered in the course, with an especially strong discussion of the Erie doctrine and summary judgment.

During Social Welfare Law, Charlotte demonstrated a deep understanding of the complexities of the U.S. social welfare system through analyzing the intricate interplay of statutes, regulations, and constitutional doctrines. Apart from her academic achievements, however, what I have most admired about Charlotte is her passion for learning and her dedication to understanding the complexities of statutory and constitutional interpretations.

Charlotte is a dogged learner who seeks to understand the nuances and relationships between judicial opinions. Her questions in class reflect a strong understanding of the material, probing how judges analyze identical case law to arrive at divergent conclusions and how legal interpretation ultimately impacts social policy and behavior. Her questions also reflect a deep care for who the law ultimately impacts. During office hours, Charlotte often reflects on how her learning about statutory entitlements and administrative procedures informs her prior legal experience advocating for unaccompanied migrant children on the U.S.-Mexico border.

She sees the process of studying law not only as an academic endeavor, but also as a practical tool in her future advocacy as an attorney. After law school, Charlotte plans to represent unaccompanied children in court and ultimately work in immigration impact litigation. With her

proficiency in procedural law, her careful reading of case law, and her understanding of the social dimensions of the law, Charlotte is well prepared to apply her knowledge and skills in a clerkship setting. It has been a pleasure to teach her over the past two years and I look forward to seeing all she will contribute to the legal profession. I recommend her to you without hesitation.

Sincerely,

A handwritten signature in black ink that reads "Lucy A. Williams". The signature is written in a cursive style and is set against a light gray rectangular background.

Lucy Williams
Professor of Law
Faculty Director, Center for Public Interest Advocacy and Collaboration
Co-Director, Program on Human Rights and the Global Economy





Northeastern University

School of Law

June 24, 2023

RE: Recommendation Letter for Charlotte Weiss for Judicial Clerkship

Clinical Programs

Mailing Address:

School of Law Clinics
Dockser Hall, Suite 140
360 Huntington Ave
Boston, MA 02115

Office:

School of Law Clinics
Dockser Hall, Suite 140
65 Forsyth St.
Boston, MA 02115
Tel: 617.373.4000
Fax: 617.373.8236
northeastern.edu/law

Contact Info:
h.gundavaram@
northeastern.edu
617-373-6802

Dear Judge:

I taught and supervised Charlotte when she was a student attorney in the Immigrant Justice Clinic and a student in my Immigration Law course. She consistently demonstrates excellent legal research and writing skills, endless dedication to her learning and to her fellow colleagues, and a deep care for immigrant and human rights. She would make an excellent addition to your chambers.

In the Clinic, Charlotte co-represented a client from Belarus seeking asylum based on his political activism against the Alexander Lukashenko regime. She prepared and filed the client's I-589 asylum application with the Boston Immigration Court and drafted supplemental materials, including a client affidavit, country conditions report, and legal brief. She demonstrated outstanding legal research and writing skills in drafting a compelling client affidavit and a persuasive and nuanced legal brief. She also displayed excellent client interviewing and counseling with a victim of trauma. The client was ultimately granted asylum!

In addition to her excellent legal research and writing skills, Charlotte demonstrated tireless dedication to her learning and offered constant support to her fellow classmates. In Immigration Law, she contributed much to the classroom discussion, asking clarifying questions that demonstrated a strong grasp of complex immigration topics including removal, inadmissibility, and deportability. In the Clinic, Charlotte provided endless support to her classmates through peer review of legal documents, advice on client interviewing and counseling, and sharing self-care practices by drawing on her experiences interviewing migrant children at ProBAR.

Given her judicial internship with Judge Boal at the U.S. District Court of Massachusetts and her immigrants' rights work, including at the Clinic and her current internship with the ACLU Immigrants' Rights Project, Charlotte has demonstrated an unwavering commitment to public interest law. It has been a pleasure to teach her. I look forward to seeing all she will contribute to the legal profession.

Sincerely,

A handwritten signature in black ink, appearing to read "Hemanth C. Gundavaram".

Professor Hemanth C. Gundavaram
Director, Immigrant Justice Clinic
Associate Dean for Experiential Education
Northeastern University School of Law

CHARLOTTE JANE WEISS

279 Pearl Street, Cambridge, MA, 02139 | weiss.ch@northeastern.edu | (818) 917-4871

WRITING SAMPLE

The attached writing sample is the final version of a bench memorandum I prepared during my judicial internship with Judge Boal. Identifying details and docket citations have been omitted for confidentiality purposes. I received minor edits in the process of drafting the memorandum.